United States Court of Appeals

for the Second Circuit

EXHIBITS

ORIGINAL

75-6062

United States Court of Appeals
FOR THE SECOND CIRCUIT

DOCKET No. 75—6062

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

against

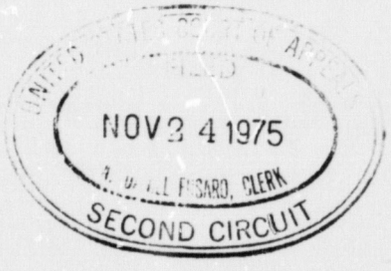
WILLIAM L. MATHESON, Executor of the Will of Dorothy Gould Burns, Deceased,
Defendant-Appellant.

WILLIAM L. MATHESON, Executor of the Will of Dorothy Gould Burns, Deceased,
Plaintiff-Appellant,

against

UNITED STATES OF AMERICA,
Defendant-Appellee.

EXHIBIT VOLUME



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E 1

EXCERPTS FROM DOROTHY GOULD BURNS' PASSPORT FILE

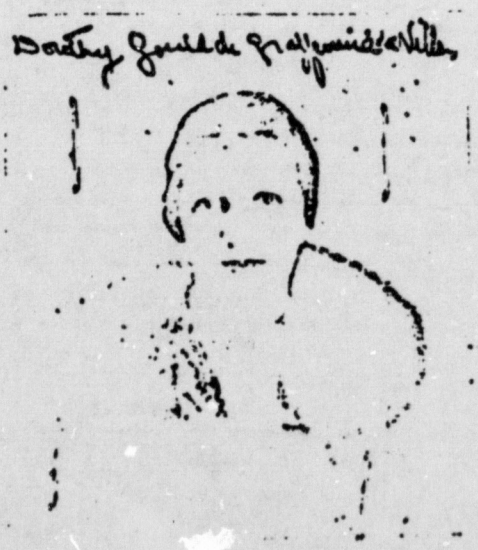
September 13, 1934

PASSPORT EXAMINERS

In re application of Dorothy Gould de Graffenried de Villars.

Kindly note the attached affidavit from the American Consul, Paris, France. It was explained to applicant that she could hardly expect to repatriate herself by her very brief visit during this month. This she understands, but requests that her application go forward for an official decision from the Department in order that she might have something to show the French Consul when she applies for a visa on her certificate of identity or to show the Naturalization Bureau should she decide to be expeditiously naturalized. American citizenship seems to be of little concern to applicant.

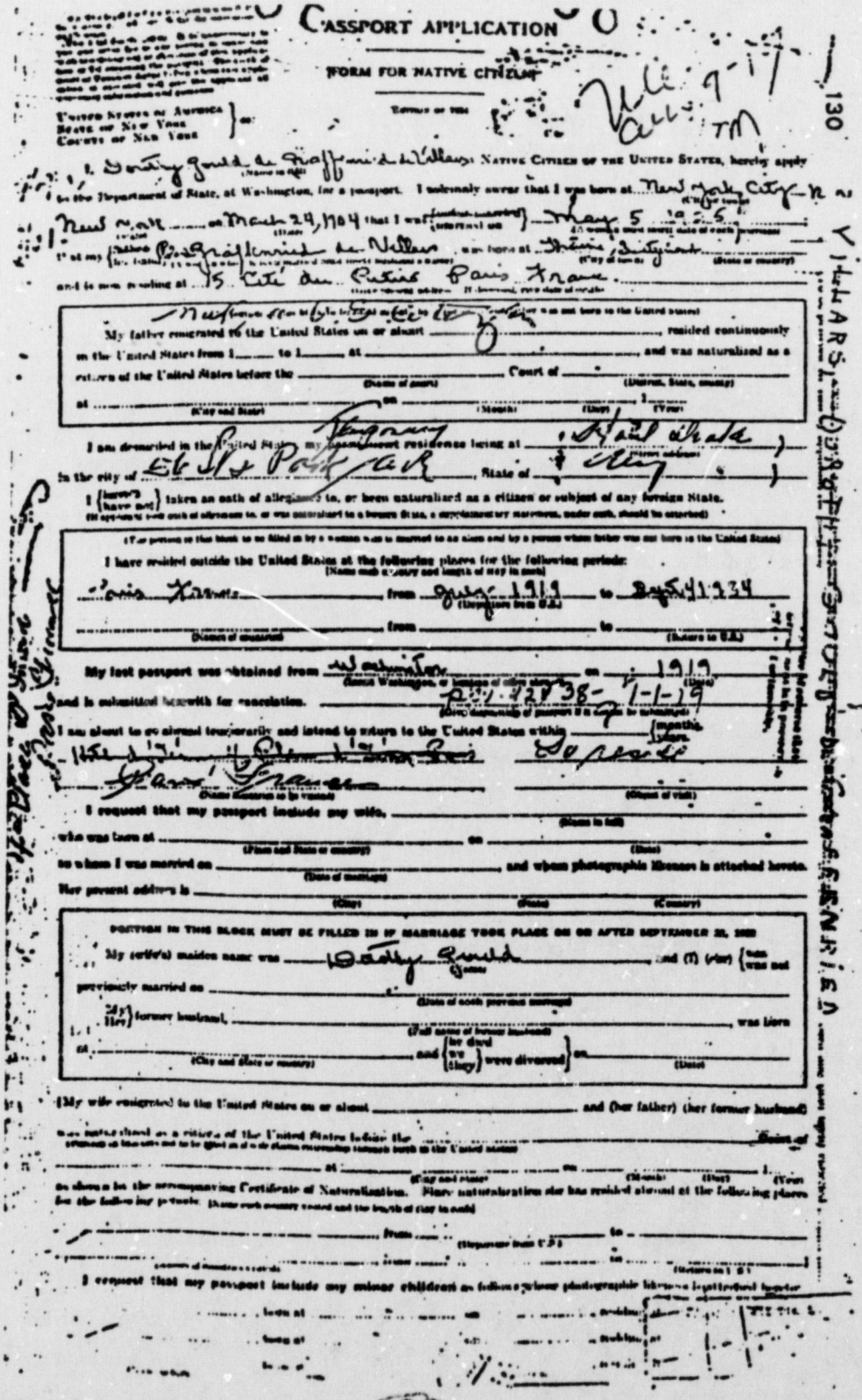
[signature], Department of State.



(1)

E 2

Excerpts from Dorothy Gould Burns' Passport File



PASSPORT APPLICATION

FORM FOR NATIVE CITIZEN

130

I, Dorothy Gould de Graffenried de Villars, NATIVE CITIZEN OF THE UNITED STATES, hereby apply to the Department of State, at Washington, for a passport. I solemnly swear that I was born at New York City N Y on or about March 24, 1904 that I was naturalized on May 5 1924 by virtue of my father's naturalization; that I am the wife of Pierre Graffenried de Villars; was born at Paris, France and is now residing at 15 Cité du Retiro Paris France.

My father emigrated to the United States on or about ____ resided continuously in the United States from 1 ____ to 1 ____ at ____ and was naturalized as a citizen of the United States before the ____ Court of ____ at ____ on ____

I am domiciled in the United States my permanent residence being at Kirkwood Missouri in the city of Eb St. Louis MO State of Missouri

I have not taken an oath of allegiance to, or been naturalized as a citizen or subject of any foreign State.

I have resided outside the United States at the following places for the following periods:
Paris France from July 1919 to Sept 4 1924

My last passport was obtained from Washington on 1919 and is submitted herewith for cancelation. P.P. #2738 1-1-19

I am about to go abroad temporarily and intend to return to the United States within ____ months from date. Sail from Le Havre France Destination Paris France

I request that my passport include my wife, ____ who was born at ____ on ____ to whom I was married on ____ and whom photographic likeness is attached hereto. Her present address is ____

POSITION IN THIS BLOCK MUST BE FILLED IN IF MARRIAGE TOOK PLACE ON OR AFTER SEPTEMBER 22, 1922

My (wife's) maiden name was Dorothy Gould and (I) (she) was not previously married on ____ My (her) former husband, ____ was born at ____ and he died (they were divorced) on ____

My wife emigrated to the United States on or about ____ and (her father) (her former husband) was naturalized as a citizen of the United States before the ____ Court of ____ at ____ on ____ as shown by the accompanying Certificate of Naturalization. Since naturalization she has resided abroad at the following places for the following periods: (State each country visited and the month of stay in each)

I request that my passport include my minor children as follows (whose photographic likenesses are attached hereto)

born at ____ on ____

born at ____ on ____

born at ____ on ____

(3)

E 3

Excerpts from Dorothy Gould Burns' Passport File

DESCRIPTION OF APPLICANT

5 feet, 7 inches. Age 30 years.

Place of birth New York City, New York
(City and State)

Date of birth March 24, 1904
(Month, day, and year)

Occupation

I intend to leave the United States from the port of New York
(Port of departure)

sailing on board the Westerdam on November 1934
(Name of ship) (Date of departure)

ADDRESS

I request that my passport be mailed to the following address:

Name Countess de Graffenried de Villard

Number and Street 9 Fifth Ave. or Waldorf
16 E Broadway

City and State New York City, N.Y.

AFFIDAVIT OF IDENTIFYING WITNESS

I, the undersigned, solemnly swear that I am a citizen of the United States; that I reside at the address written below my signature hereto affixed; that I know the applicant who executed the affidavit hereinbefore set forth to be a citizen of the United States; that the statements made in the applicant's affidavit are true to the best of my knowledge and belief; further

I solemnly swear that I have known the applicant personally for 5 years.

George O Wolfskill
(Signature of witness)

Dept. New York City
(Residence address of witness)

If witness has been issued a passport, give number and date of issue or approximate date of issue.

No. _____ Date of issue _____

Sworn to before me this _____ day

of _____, 19__

_____
(Seal of the Department of State)

Dorothy Gould de Graffenried

(2)

E 4

Excerpts from Dorothy Gould Burns' Passport File

In reply refer to
130 - Villars, Dorothy Gould de Graffenried

September 25 1[illegible]

Mrs. Dorothy Gould de Graffenried Villars,

Care of Leonard and Walker,

165 Broadway,

New York, New York.

Madam:

The Department has received your recent passport application from which it appears that you were born at New York City on March 24, 1904; that on May 5, 1925, you were married to Roland Graffenried de Villars, a citizen of Switzerland; and that you resided in Paris, France, from July 1919 to September 4, 1934.

In reply your attention is invited to the enclosed copy of the Act of September 22, 1922, Section 3 of which provided that when a woman citizen of the United States married to an alien had resided continuously for two years in the foreign state of which her husband was a citizen or subject, or for five years continuously outside the United States who became subject to the

came

(7)

same presumption as does a naturalized citizen of the United States under the second paragraph of Section 2 of the Act of March 2, 1907 (U. S. C. Title 8, Section 17), which is quoted in the enclosed circular. In this connection your attention is called to the rules prescribed by the Department to overcome the presumption mentioned, which are also quoted in the circular.

It appears that the presumption above mentioned arose against you in May 1927, and that you have presented no evidence to overcome it. While the Act of July 3, 1930, repealed that portion of the Act of September 22, 1922, under which the presumption arose against an American woman married to an alien, such repeal did not operate to remove a presumption which had arisen against such a woman prior to July 3, 1930.

While the Department has concluded, in the absence of a decision of the court of last resort, that the reasons for the presumption mentioned disappear when the person concerned returns to the United States and reestablishes a permanent residence here, your action in applying for a passport to enable you to proceed abroad so shortly after your return to the United States indicates that you have not reestablished a

permanent

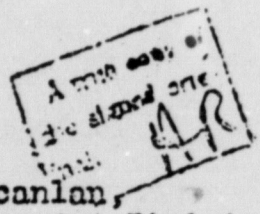
permanent residence in this country. Accordingly, the Department must decline to issue a passport to you at this time.

It is suggested that you may desire to consider the advisability of communicating with the Clerk of a court having jurisdiction to naturalize aliens with a view to ascertaining whether you may avail yourself of the provisions of Section 4 of the Act of September 22, 1922, as amended by the Act of July 3, 1930. Should you be able to avail yourself of the expeditious procedure prescribed for the naturalization of women who are considered to have lost their American citizenship by residence abroad after marriage to an alien, the Department will, upon receipt of your certificate of naturalization, be prepared to give immediate consideration to the matter of extending your passport. You will observe upon reference to Section 4 (b) of the Act just mentioned that should you be naturalized you would again have the status of a native American citizen and the presumption of having ceased to be an American citizen could not later arise against you by reason of your foreign residence since that portion of Section 3 of the Act of September 22, 1922, under

under which the presumption was raised in a case of this kind, was repealed by Section 1 of the Act of July 3, 1930.

There, are enclosed a check for the sum of $9.00 and the certificate of identity upon which you proceeded to the United States.

Very truly yours,



John J. Scanlan,
Acting Chief, Passport Division

Enclosures:
Check for $9.00;
Certificate of identity;
Copy of Act;
Circular.

PD:CH:-
cod

(4)

E 8

Excerpts from Dorothy Gould Burns' Passport File

Madrid, November 4, 1940.

No. 643

Subject: Non-Cancellation of Affidavit in Lieu of Passport of Mrs. Dorothy Gould.

The Honorable

The Secretary of State,

Washington.

Sir:

I have the honor to refer to the Department's telegraphic instruction No. 573 of October 21, 1940 authorizing the issuance of a limited American passport to Mrs. Dorothy Gould.

Service

(9)

E 9

Excerpts from Dorothy Gould Burns' Passport File

Service Passport No. 59 (S-244176) was issued to Mrs. Gould on October 30,1940, with a validity expiring on November 30, 1940.

I regret to report that I delivered the passport to Mrs. Gould without cancelling the "Affidavit in Lieu of a Passport" that had been issued her by the American Consulate General in Paris, on October 6, 1936. Because of her urgent need for the passport in order to obtain the Portuguese visa, I handed the passport to her on her promise that she would bring me the "Affidavit", which she has not yet done. It is respectfully suggested that the "Affidavit" be cancelled either in Lisbon or on her arrival in the United States.

A copy of this despatch is being sent to the American Consul General in Lisbon.

Respectfully yours,

For the Ambassador:

Robert F. Fernald,
American Consul.

(Original by airmail and
three copies by pouch).
Copy to Lisbon.

130.8
RFF/jr

(8)

E 10

Excerpts from Dorothy Gould Burns' Passport File

I solemnly swear that the statements made on pages 1 and 2 are true, and that the photograph attached is a likeness of me.

OATH OF ALLEGIANCE

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

Dorothy Gould.
(Signature in full of applicant)

[SEAL]

Fee for passport, $9.00.
Fee for administering oath and preparing passport application, $1.00.
No fee for registration.

Service No. 1680

SUBSCRIBED AND SWORN to before me this 18th day of October, 1910

Robert T. Pernald,
Consul of the United States at Madrid, Spain



DESCRIPTION OF APPLICANT

Height: 5 feet 7 inches.
Hair brown Eyes brown
Distinguishing marks or features Scar on right eyebrow.

Place of birth New York City
Date of birth March 24, 1904
Occupation none

EVIDENCE OF CITIZENSHIP AND IDENTIFYING DOCUMENTS

Passport No. [illegible] issued on [illegible], 1906
by American Vice Consul at Paris, France.
{ to applicant / to [illegible] } SUBMITTED.
(State name and relationship)
State disposition of passport

Other evidence of citizenship and identifying documents submitted, as specified below: (Indicate whether sent to the Department, retained in files of office, or returned to applicant.)

The following should be filled in if this application is for a PASSPORT:

Countries to be visited: for travel to the U.S. and South America
Port of departure: Lisbon, Portugal
Name of ship: Clipper

Purpose of visit: visit my aunt
Date of departure: unknown
Is the ship of an American line? Clipper ("Yes" or "No")

REFERENCES

[illegible] Gould, Dunmore, or Maxwell, (aunt) Lyndhurst, Lexington-on-Hudson
(Name) (Address)
[illegible], Lake-on-Hudson
(See chap. X-116, note 1, part II, F. S. H.)

AFFIDAVIT OF IDENTIFYING WITNESS

I, the undersigned, solemnly swear that I am a citizen of the United States; my signature hereto affixed; that I know the applicant who executed the affidavit represents himself to be, and that he is a citizen of the United States; that the statements are true to the best of my knowledge and belief; further, I solemnly swear that I have known the applicant for _____ years.

(Signature of witness)
(Residence address of witness)

[SEAL]

SUBSCRIBED AND SWORN to before me this _____ day of _____

If no American citizen is available, an alien known to the consulate may execute the affidavit.

Consul _____ of the United States of America

The applicant requests that the following person be notified in the event of his death or disability:

(Name) (Address)

Additional data: Location of real and personal property, nature and place of investments, location of will, et cetera. (It is entirely optional with the applicant to give this information.)

Registration {approved / disapproved} by the Department of State on _____ (Date)

Certificate of registration issued to the applicant on _____ (Initials of issuing officer)

The Department will assume that the consular officer forwarding the application to the Department has satisfied himself as to the applicant's nationality and as to the correctness of the statements made in the application and affidavit executed thereto. (See chap. X-116, note 1, part II, F. S. H.)

REMARKS

(18)

E 11

Excerpts from Dorothy Gould Burns' Passport File

AFFIDAVIT BY NATIVE AMERICAN TO EXPLAIN PROTRACTED FOREIGN RESIDENCE

AFFIDAVIT BY NATURALIZED AMERICAN TO OVERCOME PRESUMPTION OF NONCITIZENSHIP

In all cases where the presumption of expatriation has arisen or is about to arise, this form must be made out and accompany the application, whether for a passport, registration, renewal, or extension. It is to be used in all cases where passports are applied for under rule (9) [sec. 150, note 1b]. It must always accompany applications for extension of passports which have been expressly limited in validity [sec. 169, note 3]. *In cases of naturalized citizens the exact periods and places of foreign residence since naturalization should be stated.*

I, Dorothy Gould, a {native / naturalized} American citizen, born at New York City (City), U.S. (Country), do solemnly swear that I ceased to reside in the United States on or about 1919, 1_____; that I have since resided at France, Switzerland and Spain (Countries); and that I arrived in Madrid, Spain (City and country), where I am now {permanently / temporarily} residing, on June 1940, my reasons for such foreign residence being as follows: My father Frank Gy Gould resides in France many years and has business interests. Also my self when fully lives in Spain, France since many years and my children were at school there.-

Since establishing a residence abroad I have made the following visits to the United States:

I have visit the United States on 1934.-

From _____, 19____, to _____, 19____ From _____, 19____, to _____, 19____

From _____, 19____, to _____, 19____ From _____, 19____, to _____, 19____

I have {~~not since my naturalization as an American citizen~~ never} been naturalized, taken an oath of allegiance, or voted as a foreign citizen or subject, or in any way held myself out as such.

I maintain the following ties of family, business, and property with the United States:

I have my relatives in the U.S.

I {do / do not} pay the American Income Tax at _____

I intend to return to the United States permanently to reside within As soo {months / years} or when I die

Dorothy Gould
(Signature of applicant)

AMERICAN CONSULAR SERVICE AT Madrid, Spain

Sworn to before me this 10th day of June 1940
(Date)

R.D. Simmons
(Official character)
of the United States of America.

[SEAL]
(Do not be printed)

Service No 1621

SEE INSTRUCTIONS PRINTED ON REVERSE SIDE

1. In making answer will indicate whether this is the applicant's only foreign residence statement. If not, answer should state extent to which he has complied with and reasons therefor. Copy of this affidavit to be sent to bureau of the applicant's State or to town translated from a foreign language.
2. This affidavit should be executed and forwarded as per circular.

1-170

17

E 12

Excerpts from Dorothy Gould Burns' Passport File

Application sent to Dept. by [illegible]. Telegr. reply requested.

OPINION OF OFFICER TAKING AFFIDAVIT

The officer before whom the affidavit is made should see that the pertinent facts and circumstances regarding the applicant's residence abroad are fully and correctly set forth in the affidavit and application. If, for any reason, they are not so stated the officer should complete them in the space below, adding such comment or opinion as is appropriate. He should state whether the facts recited constitute the true reason for such residence, and whether they are sufficient under the established rules to entitle him to protection as an American citizen. He should also definitely state his opinion, in the case of a native citizen, whether the applicant has SATISFACTORILY EXPLAINED HIS PROTRACTED FOREIGN RESIDENCE, and in the case of a naturalized citizen whether HE IS IN A POSITION TO OVERCOME THE PRESUMPTION THAT HE HAS CEASED TO BE AN AMERICAN CITIZEN. (Sec. 144B and notes 3 to 6; sec. 155, note 15.) He should sign his name and add his title below the statement of his opinion.

The applicant, Mrs. Dorothy Gould, now bears an "Affidavit in lieu of a passport", issued at the American Consulate General in Paris, France on October 6, 1936, in which she stated she was divorced from Roland de Craffenried de Villars, a Swiss citizen, in May, 1936, that she could not present a obtain an American passport due to an unrebutted presumption of expatriation caused by her protracted foreign residence, and that she (then) had no intention of returning to the United States to reside permanently.

She states she had an American passport issued in New York in 1919, and she thinks her divorced husband kept that passport with others of her papers.

She states she desires an American passport for immediate return to the United States, and she thinks she would remain in the United States, visiting relatives for six months or more, when she would probably visit South America.

She states she has considered her home to be in France, but that she now thinks of the United States as her home.

Mrs. Gould's fiancé, Mr. Gerald Paget, an Englishman is now applying here for a visa. Previously, Mrs. Gould stated that she would not go to the United States if her fiance were refused a visa. Now, however, she states she would go to the United States alone- without him, if necessary.

Mrs. Gould ~~remains~~ has a visa for Portugal and recently tried to enter that country by air with that valid visa, but the Portuguese authorities did not allow her to remain in Portugal in spite of the visa because of the affidavit which they refused to recognize as a passport--This is her explanation. At that time, several weeks ago, she had indicated to me that she was thinking of traveling to South America rather than North America.

Mrs. Gould very much desires a valid passport, and I am inclined to believe she will go to the United States and remain there for some time if she can obtain a passport.

She is leaving money here for a telegraphic reply from the Department to this application. It is respectfully requested that a telegram be sent this office on the cuff from the Department.

R. P. Gerhald, American Consul
Oct. 10, 1940

Mrs. Gould further explains that she did not return to the United States since her last visit in 1924 because her children and her parents have been and are still in France, the children being Swiss, and the parents having American passports.

RPG

INSTRUCTIONS.—In many copies of this form should be made out as of the application for registration or for [illegible] and filed in the consulate, some should be firmly attached thereto.

16

PREPARING OFFICE WILL INDICATE WHETHER

TELEGRAM SENT

TO BE TRANSMITTED
CONFIDENTIAL CODE
NONCONFIDENTIAL CODE
PARTAIR
PLAIN

Collect { Full rate / Day letter / Night letter

Charge Department:
Full rate
Day letter
Night letter

Department of State

Washington,

Charge to Interested party
$

October 25, 1940

AMERICAN EMBASSY

MADRID

271. TWENTY-FIFTH

Your 573 twenty-first Dorothy Gould. Family ties abroad suggest unlikelihood of return United States for permanent residence but if satisfied such is her intention limited passport authorized under Rule g, after travel arrangements completed. 6.80

Hull

RS.

130 - Gould, Dorothy

PD: ~~VA~~ WO

Enciphered by _____

Sent by operator _____ *M.*, _____ *19*____

1—1473 U. S. GOVERNMENT PRINTING OFFICE

RECEIVED

(22)

E 14

Excerpts from Dorothy Gould Burns' Passport File

CERTIFICATE OF ACTION TAKEN

I HEREBY CERTIFY that the above passport was on April 7, 1949 (Date)

{ renewed ~~for~~ ..... months.
renewed for two years. until May 21, 1951, valid for all countries except Occupied territories and the Middle East.
referred to the Department for consideration and decision, together with a Form 213.
taken up.

Frederick D Sharpe (Signature)

[SEAL] Vice Consul of the United States of America (Title)

Notarial Service No. 001056

(After application has been submitted to Department and instruction in reply received)

I HEREBY CERTIFY that the above passport was on _____ (Date)

{ renewed for ..... months.
renewed for two years.
refused renewal and passport taken up.

Authority _____

_____ (Signature)

[SEAL] _____ (Title)

Notarial Service No. _____

In duplicate, but when the application is to be referred to the Department for consideration, it should be taken in triplicate. After the Department's decision is reported to the consular office, the triplicate copy should be filled in with the final action taken and forwarded to the Department, the duplicate copy on file in the office being amended accordingly.

U. S. GOVERNMENT PRINTING OFFICE 16—68260-2

DEPARTMENT OF STATE RECEIVED 1949 APR 19 PM PASSPORT DIVISION

28

E 15

Excerpts from Dorothy Gould Burns' Passport File

Department

Form No. 729
Foreign Service
(Revised Oct. 1943)

APPLICATION FOR RENEWAL OF PASSPORT

***CAUTION.*—Extension of expressly limited passports must be applied for on Form 219**

In conformity with the rules and regulations prescribed by the President and the Secretary of State pursuant to law, I, the undersigned, hereby apply for a renewal of the period of validity of my passport, the number and date of which appear herein.

RENEWAL SERIES No. 438
Passport No. 672
Passport Serial No. FS 190636
Issued on May 21, 1947 (Date) *at* Mexico, D. F. (Place)

I, Dorothy Gould Burns (Name), a {naturalized / native} American citizen, do hereby apply for the renewal of my passport. I was {never married / married on} May 22, 1944 (To be filled in by women only)

My husband is a {naturalized / native} American citizen / an alien, a citizen of Mexico. (Name of country)

My legal residence is 411 Av. de Chapultepec (Street address), Mexico, D. F. (City), _____ (State)

I represent the -- (Name of person or organization)

The part in this block is to be filled in by all persons who have acquired citizenship through naturalization.

Since my present passport was issued, I have resided outside the United States at the following places for the periods stated:

_____ from _____ to _____

_____ from _____ to _____

_____ from _____ to _____

FOREIGN SERV. DIV. U.S.

The purposes of my visits to the foregoing countries were:

_____
(Give reason or reasons for stay in each country named)

_____

_____

Dorothy Gould Burns
(Signature of applicant)

411 Av. de Chapultepec, Mexico, D. F.
(Foreign address)

I CERTIFY that the person to whom the above passport was issued appeared before me in person and swore to and signed the above application on the 7th day of April, 19 49

Frederick D. Stamm
(Signature)

Fee $5.00 Service No. Vice Consul of the United States of America
(Title)

[SEAL] Mexico, D. F.
(Consular office)

(29)

BURNS Dorothy Gould
(Surname) (Given names)

E 16

Excerpts from Dorothy Gould Burns' Passport File

OPINION OF OFFICER TAKING AFFIDAVIT

The officer before whom the affidavit is made should see that the pertinent facts and circumstances regarding the applicant's residence abroad are fully and correctly set forth in the affidavit and application. If, for any reason, they are not so stated, the officer should complete them in the space below, adding such comment or opinion as is appropriate. He should state whether the facts recited constitute the true reason for such residence. He should also state his opinion, in each case, whether the applicant has abandoned his allegiance and ties with the United States and so shaped his plans as to render it improbable that he will return to the United States to reside and perform the duties of a citizen and whether he has lost his American citizenship under any of the provisions of the Nationality Act of 1940. He should sign his name and add his title below the statement of his opinion.

The foregoing is the applicant's independent statement in English. It is believed to constitute the true reasons for her various periods of residence abroad.

It will be noted that Mrs. Burns states that she had been in possession of a passport in 1941. She was identified by a witness known to the Embassy.

It is believed that the applicant is entitled to protection and a passport has, accordingly, been issued to her to facilitate her travel abroad.

Robert L. Hunter

Robert L. Hunter
American Consul

INSTRUCTIONS.—As many copies of this form should be made out as of the application for registration or for passport which it accompanies, and should be firmly attached thereto. 16—21750

(30)

E 17

Excerpts from Dorothy Gould Burns' Passport File



E 18

Excerpts from Dorothy Gould Burns' Passport File

Department

Form No. 288
Form approved
(Corrected March 1938)

AFFIDAVIT BY NATIVE AMERICAN TO EXPLAIN PROTRACTED FOREIGN RESIDENCE
AFFIDAVIT BY NATURALIZED AMERICAN TO EXPLAIN PROTRACTED FOREIGN RESIDENCE

This form should be used by any native or naturalized American citizen who has resided abroad for two years or more.

The form must be used by a naturalized citizen who has resided for two years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated. It must also be used by a naturalized citizen who has resided continuously for five years in any other foreign state. In cases of naturalized citizens the exact periods and places of foreign residence since naturalization should be stated.

The form must always accompany applications for extension of passports which have been expressly limited in validity.

I, Dorothy Gould BURNS, a {native / naturalized} American citizen, born at New York City (City), New York State (County), do solemnly swear that I ceased to reside in the United States on or about 1942(see form 176 attached); that I have since resided at Mexico, D. F., Mexico (Countries); and that I arrived in Mexico, D. F. (City and country), where I am now {permanently / temporarily} residing, on May 2, 1947, my reasons for such foreign residence being as follows:[1] I carried Mr. Archibald Burns a British subject, in 1944 in Mexico and since my husband has a business here I continuted to live in Mexico with him. I still maintain my ties with all my relatives in the United States and through my father's estate.

Since establishing a residence abroad I have made the following visits to the United States:

From ____, 19 34, to 1934, 19__. From ____, 19__, to ____, 19__.

From ____, 19 41, to 1941, 19__. From ____, 19__, to ____, 19__.

I have {never / [illegible]} obtained naturalization in a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war; been convicted by court martial or a court of competent jurisdiction of the commission of any act of treason against, or of attempting by force to overthrow, or of bearing arms against, the United States.[2]

I maintain the following ties of family, business, and property with the United States:
aunt, uncle and many cousins. There is also my father's business and estate.

I {do not / do not} pay the American Income Tax at ____

I intend to return to the United States permanently to reside within ____ {months / years} or when.[3]
I have no present plans to re-establish my residence but shall do so as soon as I can.

[illegible]
(Signature of applicant)

411 Av. de Chapultepec, Mexico, D. F.
(Address)

AMERICAN CONSULAR SERVICE AT Mexico, D. F.

Sworn to before me this 2 day of May, 1947 (Date)

[SEAL]
(No fee prescribed)

[illegible]
[illegible] of the United States of America.

(SEE INSTRUCTIONS PRINTED ON REVERSE SIDE)

[1] Executing officer will indicate whether the above is the alleged applicant's statement. If not, officer should state extent to which he has prompted affiant and reasons therefor. Officer should also state [illegible] whether statements were made voluntarily.

[2] If any of these acts or conditions have been performed or fulfilled the affiant should set forth the facts fully in a supplementary statement which should be attached to and made a part of this affidavit.

[3] This statement should be as clear and definite as possible.

RR

32

E 19

Excerpts from Dorothy Gould Burns' Passport File

Form No. 17d
(Revised May 1941)

Department of State

Application for Passport

Application for Registration

(Indicate priority which is desired)

[FORM FOR NATIVE CITIZEN]

FILE

REDISCRETION APPROVED
Date May 21, 1947
Expires May 21, 1949
Consul
Place México, D.F.

Emergency authority
Note 49(A) Sec. XXI-2
F. S. Regulations and
Dept. Circ. No. 237

PASSPORT ISSUED
Date May 21, 1947
No. 673 FS 130056
Expires May 21, 1949
Consul General
Place México, D.F.

I, Dorothy Gould Burns (Name in full), a native-born citizen of the United States, solemnly swear that

I was born at New York City (City or town), New York (State or country)

on March 24, 1904 (Date); that I am now residing at 411 Av. de Chapultepec, México, D. F. (Give present address in full)

that I resided continuously in the United States from 1904 to 1919, at New York City (City and State)

and that I have resided outside the United States as follows:

(State name of, and period of residence in, each foreign country)

France & Switzerland from 1919 to 1934 approximately
French-Morocco, France, Cuba from 1934 to 1941 "
México (Name of countries) from 1942 to 1947 "

My legal residence is at 1 Wall Street, New York City (Room 1212)

and I intend to return to the United States to reside permanently, within indefinite period (months, years).

*I was {married / last married} on May 22, 1944 to Archibald Burns

who was born at Buenos Aires, Chihuahua, México on or about 1890; who {is / is not} an American citizen,

and who is now residing at 411 Av. de Chapultepec, México, D. F.

My father, Frank J. Gould (Name in full), was born at New York State (City or town) (State or country)

on 1878 (approximately), and is now residing at Juan-les-Pins, France

My mother, Helen Margaret Kelly (Maiden name), was born at New York State (City or town) (State or country)

on January 4, 1883 (Appx.), and is now residing at Barbizon, France

(IF EITHER PARENT WAS BORN OUTSIDE THE UNITED STATES, FILL IN THIS PORTION)

My father emigrated to the United States on or about ____, 1____; resided continuously in the United States from 1____ to 1____, at ____, and was naturalized as a citizen of the United States before the ____ (Name of court) Court of ____ at ____ (City and State) on ____ (Month) (Day) 1____ (Year).

My mother emigrated to the United States on or about ____, 1____, resided continuously in the United States from 1____ to 1____, at ____, and was naturalized as a citizen of the United States before the ____ (Name of court) Court of ____ at ____ (City and State) on ____ (Month) (Day) 1____ (Year).

I request the inclusion of my wife ____ (Name in full);

She acquired citizenship through ____

I request the inclusion of my minor children as follows:

____ (Name in full), born at ____ (Place and State or country) on ____ (Date), 1____

____, born at ____ on ____, 1____

____, born at ____ on ____, 1____

I {have / have never} been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States.

If any of the above mentioned acts or conditions are applicable to the applicant's case, a supplementary statement under oath should be attached and made a part hereof.

In certain cases where children born abroad have ceased to be citizens, it may be necessary to establish the citizenship status of the applicant's parent at the time of the child's birth or earlier. The applicant should be asked to set forth as a separate statement which will be considered a part of this application.

RB

BURNS, Dorothy Burns
(Name in full) (Maiden name) (Initials only)

33a

(REGISTRATION)

E 20

Excerpts from Dorothy Gould Burns' Passport File

I solemnly swear that the statements [illegible] on pages 1 and 2 are true, and that the photograph affixed hereto is a likeness of me.

OATH OF ALLEGIANCE

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

Dorothy Gould Burns
(Signature to full or approval)

[SEAL]

Fee for passport, $9.00.
Fee for administering oath and preparing passport application, $1.00.
No fee for registration.

Subscribed and sworn to before me this 12 day of May 1947

Embassy of the United States of America
Mexico, D.F., Mexico

Robert L. Hunter
Raymond Bettenhallo
Vice Consul of the United States at Mexico, D. F.

Service No. 538

MAY 22 1947



DESCRIPTION OF APPLICANT

Height: 5 feet 10 inches.
Hair brown Eyes brown
Distinguishing marks or features none ---
Place of birth New York City, New York,
Date of birth March 24, 1904
Occupation Housewife

EVIDENCE OF CITIZENSHIP AND IDENTIFYING DOCUMENTS

Passport No. _____ issued on _____
by _____
{to applicant, / to _____ (State name and relationship)} SUBMITTED.
State disposition of passport _____

Other evidence of citizenship and identifying documents submitted, as specified below: (Indicate whether sent to the Department, retained in files of office, or returned to applicant.) Received passport no. 53 in 1941(other details unknown) birth certificate sent to the Department.

The following should be filled in if this application is for a PASSPORT:

Countries to be visited: France
Purpose of visit: pleasure
Port of departure: New York
Date of departure: July 17, 1947
Name of ship: Queen Elizabeth
Is the ship of an American line? no ("Yes" or "No")

REFERENCES

Mrs. Lola Walker (Name) 1 Wall Street, New York City. (Address)
Mrs. Kingdon Gould (Name) c/o Gould office, 39 Bdway, New York City (Address)

AFFIDAVIT OF IDENTIFYING WITNESS

I, the undersigned, solemnly swear that I am a citizen of the United States; that I reside at the address written below my signature hereto affixed; that I know the applicant who executed the affidavit hereinbefore set forth to be the person he represents himself to be, and that he is a citizen of the United States; that the statements made in the applicant's affidavit are true to the best of my knowledge and belief; further, I solemnly swear that I have known the applicant personally for 7 years.

Witness presented Mex. tourist card # 1173960 issued Dec. 16, 1946. (Date)

Frances K. Lindsay (Signature of witness)
Durango 355, México, D.F. (Residence address of witness)

Subscribed and sworn to before me this 12th day of May 1947

If no American citizen is available, an alien known to the consulate may execute the affidavit.

Robert L. Hunter
Consul of the United States of America at Mexico, D.F.

The applicant requests that the following person be notified in the event of his death or disability:

Archibald Burns (Name) 411 Av. de Chapultepec, Mexico, D. F. (Address)

Additional data: Location of real and personal property, nature and place of investments, location of will, et cetera. (It is entirely optional with the applicant to give this information.)

Registration {approved / disapproved} by the Department of State on _____ (Date)

Certificate of registration issued to the applicant on _____ (Initials of consular officer)

The Department will assume that the consular officer forwarding the application to the Department, by so doing, makes no statement as to the applicant's identity, unless a notation to the contrary appears hereunder.

REMARKS

Applicant is in urgent need of passport in order to travel to France.

(33)

E 21

Excerpts from Dorothy Gould Burns' Passport File

NW-282,768

BY MORRISSEY 9/[illegible]12 FILED 9/11/42 CORRECTED 9/13/42 PASS SS

UX 60 SC NR MEXICOCITY 11

MR FRED OSTHEIMER

2220 20TH ST WASHNDC

WRITE ME HOTEL REFORMA MISSING YOU DARLING ALL LOVE

DOROTHY GOULD

RECEIVER-NSL

SENDER-NSL

1-7J1
1-ONI
8-MSD
2-SD
1-SE
2-IE
15

(34)

E 22

Excerpts from Dorothy Gould Burns' Passport File

Form No. 176
(Revised May 6 1943)

Budget Bureau No. 47-R012.1

Application for Passport
Application for Registration
(Indicate plainly which is desired)
[FORM FOR NATIVE CITIZEN]

REGISTRATION APPROVED
Date ____
Expires ____
____ Consul ____
Place ____

PASSPORT ISSUED
Date Oct. 1, 1951
No. 2497 FS 30230
Expires Oct. 1, 1954
Chester H. Kiefer
Consul
Place Mexico, D. F.

I, Dorothy Gould BURNS (Name in full), a NATIVE citizen of the United States, solemnly swear that
I was born at New York City (City or town) New York (State or country);
on March 24 (Date) 1904; that I am now residing at 411 Av. de Chapultepec, Mex. D.F. (Give present address in full);
that I resided continuously in the United States from 1904 to 1919, at New York City, N.Y. (City and State),
and that I have resided outside the United States as follows:

(State name of, and period of residence in, each foreign country)

(Name of countries)	from	to
France and Switzerland	1919	1934
French Morocco, France, Cuba	1934	1941
Mexico	1942	date

My legal residence is at 1 Wall Street, Room 1212, New York City, N.Y.
and I intend to return to the United States to reside permanently, within unable to state at present {months. years.

*I was {not married / last married} on May 22, 1944 ✓ to Archibald Burns,
who was born at Buenos Aires, Chih., Mex on about 1890; who {is not} an American citizen, Mexican citizen
and who is now residing at 411 Av. de Chapultepec, Mexico, D. F.

My father, Frank J. Gould (Name in full), was born at ____ (City or town), New York (State or country),
on about 1878 and is now residing at Villa La Vigie, Juan-les-Pins, France

My mother, Helen Margaret Kelly (Maiden name), was born at ____ (City or town), New York (State or country),
on about Jan. 4, 1883 and is now residing at Villa O.K. Bortizom France

(IF EITHER PARENT WAS BORN OUTSIDE THE UNITED STATES, FILL IN THIS PORTION)

My father emigrated to the United States on or about X 1__; resided continuously
in the United States from 1__ to 1__, at X, and was naturalized as a
citizen of the United States before the X (Name of court) Court of ____
at ____ (City and State) on X (Month) (Day) 1__ (Year).

My mother emigrated to the United States on or about X 1__, resided continuously
in the United States from 1__ to 1__, at X, and was naturalized as a
citizen of the United States before the X (Name of court) Court of ____
at ____ (City and State) on X (Month) (Day) 1__ (Year).

I request the inclusion of my wife --- (Name in full);
she acquired citizenship through ---

I request the inclusion of my minor children as follows:

--- (Name in full), born at ____ (Place and State or country) on ____ (Date), 1__
____, born at ____ on ____, 1__
____, born at ____ on ____, 1__

I {have / have not} been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, or performed the duties of, any office, post, or employment under the Government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court-martial of deserting the military or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States.

If any of the above mentioned acts or conditions are applicable to the applicant's case, a supplementary statement under oath should be attached and made a part hereof.

*If ever married and wife has been naturalized or has taken out first papers, husband should state in the usual place of birth of each, date of each marriage, and date of each naturalization; if ever married before, the name of each former husband or wife, and how each marriage was terminated (by death, divorce, annulment, or other circumstances necessary to state); the exact name under which the applicant should be naturalized if a change is desired; and the name under which each child was naturalized if a change is desired in the name as it appears in the application.

Lorrtny Gould BURNS (Name as it appears on birth certificate) (If first name, when application is made) (Middle name) (Other names in full, when application is made)

Married Frank J. Gould, Buenos Aires, Mexico, May 5, 1925 divorced July 24, 1935, divorce decree seen and returned. (42)

c)

E 23

Excerpts from Dorothy Gould Burns' Passport File

I solemnly swear that the statements in pages 1 and 2 are true, and that the photograph attached is a likeness of me.

OATH OF ALLEGIANCE

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

Dorothy Gould Burns
(Signature in full of applicant)

[SEAL]

Fee for passport, $9.00.
Fee for administering oath and preparing passport application, $1.00.
No fee for registration.

Sworn to before me this 7th day of March, 1951

Chester M. Kinsey
Consul of the United States at Mexico, D.F.

Service No. 162



DESCRIPTION OF APPLICANT

Height: 5 feet 10 inches
Hair auburn Eyes brown
Distinguishing marks or features none

Place of birth New York City, New York
Date of birth March 24, 1901
Occupation housewife

EVIDENCE OF CITIZENSHIP AND IDENTIFYING DOCUMENTS

Passport No. 573 PS 17[illegible] issued on May 21, 1947
by American Embassy, Mexico, D. F.
{to applicant, Dorothy Gould Burns / to _____} SUBMITTED.
(State name and relationship)
State disposition of passport canceled and returned

Other evidence of citizenship and identifying documents submitted, as specified below: (Indicate whether sent to the Department, retained in files of office, or returned to applicant.) ----

The following should be filled in if this application is for a PASSPORT:

Countries to be visited Spain — Purpose of visit: visit relatives
Port of departure: Mexico, D. F. — Date of departure: April 27, 1951
Name of ship: Aerovias Guest — Is the ship of an American line? no ("Yes" or "No")

REFERENCES

Mrs. Lole Walker (friend) (Name) — Ardsley on Hudson, New York (Address)
Mrs. F. L. Hunt (friend) (Name) — Hotel Cortez, El Paso, Texas (Address)

AFFIDAVIT OF IDENTIFYING WITNESS

I, the undersigned, solemnly swear that I am a citizen of the United States; that I reside at the address written below my signature hereto affixed; that I know the applicant who executed the affidavit hereinbefore set forth to be the person he represents himself to be, and that he is a citizen of the United States; that the statements made in the applicant's affidavit are true to the best of my knowledge and belief; further, I solemnly swear that I have known the applicant personally for ____ years.

WAIVED

(Signature of witness) _____
(Residence address of witness) _____

(SEAL)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 1__

If no American citizen is available, or else known to the examiner may examine the affidavit.

Consul _____ of the United States of America at _____

The applicant requests that the following person be notified in the event of his death or disability:

Mr. Archibald Burns (Husband) (Name) — 411 Av. de Chapultepec, Mexico, D. F. (Address)

Additional data: Location of real and personal property, nature and place of investments, location of will, et cetera. (It is entirely optional with the applicant to give this information.)

Registration {approved / disapproved} by the Department of State on _____ (Date)

Certificate of Identity and Registration / Card of Identity and Registration issued to the applicant on _____ (Initials of examiner affixed)

The Department will assume that the premises address appearing on the application is the permanent or temporary residence of the applicant unless otherwise advised.

16—22144-6

REMARKS

(41)

E 24

Excerpts from Dorothy Gould Burns' Passport File

Department

DEPT'S DECISION REQUIRED

Form No. 213
Formerly Form 7
(Corrected May 1949)

AFFIDAVIT BY NATIVE OR NATURALIZED AMERICAN TO EXPLAIN PROTRACTED FOREIGN RESIDENCE

This form should be used by any native or naturalized American citizen who has resided abroad for two years or more. However, in cases where form 213a is used, this form need not be used.

The form *must* be used by a naturalized citizen who has resided for two years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated. It must also be used by a naturalized citizen who has resided continuously for five years in any other foreign state. In cases of naturalized citizens the exact periods and places of foreign residence since naturalization should be stated.

This form must always accompany applications for extension of passports which have been expressly limited in validity.

As many copies of this form should be made out as of the application for registration or passport which it accompanies and should be firmly attached thereto.

I, Dorothy Gould BURNS, a {native / ~~naturalized~~} American citizen, born at New York City (City), New York (Country), do solemnly swear that I ceased to reside in the United States on or about _____, 1942; that I have since resided at Mexico (Countries); and that I arrived in Mexico, D. F., Mexico (City and country), where I am now {permanently / ~~temporarily~~} residing, on September 1942, my reasons for such foreign residence being as follows:[1] I married Mr. Archibald burns a naturalized Mexican in 1947 in Mexico and since my husband has a business here I have continued to live in Mexico with him. I still maintain my ties with all my relatives in the United States and through my father's estate.

Since establishing a residence abroad I have made the following visits to the United States: I usually take one trip to the United States every year the last one being

From Nov., 19 49, to May, 1949 From _____, 19__, to _____, 19__

From _____, 19__, to _____, 19__ From _____, 19__, to _____, 19__

I have {never / ~~[illegible]~~} obtained naturalization in a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war; been convicted by court martial or a court of competent jurisdiction of the commission of any act of treason against, or of attempting by force to overthrow, or of bearing arms against, the United States[2]: _____

I maintain the following ties of family, business, and property with the United States:
aunt, uncle and many cousins. There is also my father's business and estate.

I {~~do~~ / do not} pay the American Income Tax at _____

I intend to return to the United States permanently to reside within _____ {months / years} or when[3]: _____
unable to state at present

I have had read to me in the English (Italian, Greek, Spanish, etc.) language the contents of this form and I swear that I understand the statements contained herein.

Dorothy Gould Burns
(Signature of applicant)

411 Av. de Chapultepec, Mexico, D.F.
(Address)

AMERICAN FOREIGN SERVICE AT Mexico, D. F., Mexico

Sworn to before me this 30th day of March 1951

[SEAL]
(No fee prescribed)

Edward [illegible]
Consul of the United States of America.

(SEE INSTRUCTIONS PRINTED ON REVERSE SIDE)

[1] Executive orders will indicate whether the absence of the citizen is considered to be in the best interests of the United States. If not, citizen should state reasons to show that his absence abroad was not detrimental to the interests of the United States.

[2] If any of these acts have been performed, the affiant should set forth the facts fully in a supplementary statement, which should be attached to and made a part of this affidavit.

[3] This statement should be as clear and definite as possible.

Form 213a-4

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E 25

Excerpts from Dorothy Gould Burns' Passport File

OPINION OF OFFICER TAKING AFFIDAVIT

The officer before whom the affidavit is made should see that the pertinent facts and circumstances regarding the applicant's residence abroad are fully and correctly set forth in the affidavit and application. If, for any reason, they are not so stated, the officer should complete them in the space below, adding such comment or opinion as is appropriate. He should state whether the facts recited constitute the true reason for such residence. He should also state his opinion, in each case, whether the applicant has abandoned his allegiance and ties with the United States and so shaped his plans as to render it improbable that he will return to the United States to reside and perform the duties of a citizen and whether he has lost his American citizenship under any of the provisions of the Nationality Act of 1940. He should date the opinion, sign his name, and add his title below the statement of his opinion.

The officer who signs this side of the form need not necessarily be the officer who signs on the front side, provided that he has interviewed the applicant or is otherwise in full possession of the facts in the case.

16—21760-2 U. S. GOVERNMENT PRINTING OFFICE

The subscribing officer is of the opinion that the pertinent facts and circumstances regarding the applicant's foreign residence are fully and correctly set forth in the application and affidavit, and that the facts recited constitute the true reasons for such residence.

The applicant was born in the United States in 1904 of native born American citizen parents. She resided in the United States from birth to 1919. From 1919 to 1941 she resided in various countries of Europe and Cuba, and from 1942 to date she has resided in Mexico.

In 1925 the applicant married a Swiss citizen, from whom she was divorced in 1935. In 1944 she married a British subject born in Mexico who subsequently applied for and was issued a certificate of citizenship as a Mexican. Prior to the time that her husband became a Mexican citizen, the applicant resided in Mexico on tourist papers. After his naturalization, she has availed herself of her claim to Mexican nationality and is currently residing here as the wife of a Mexican citizen. She claims that she has taken no positive steps to be recognized as such by the Mexican Government.

I have no reason to believe that Mrs. Burns has lost her American citizenship under any of the provisions of the Nationality Act of 1940. However, because of her protracted foreign residence, her tenuous family ties with the United States, her marriage to an alien, and the fact that she is residing in this country as a Mexican citizen, her application is submitted to the Department for a ruling regarding her right to passport facilities for continued residence in this country.

Since Mrs. Burns had already made plans for traveling to Europe to visit her parents, she was issued a passport limited in validity to six months from the date of issue to facilitate her journey.

The Department's instructions are respectfully requested regarding the extension of her passport to the full two year period of validity.

Chester H. Kimrey
American Consul

Mexico, D. F., Mexico,
April 3, 1951
CHK/cl

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E 26

Excerpts from Dorothy Gould Dunns' Passport File

APPLICATION FOR AMENDMENT OR EXTENSION OF {PASSPORT / CERTIFICATE OF IDENTITY AND REGISTRATION} —Continued.

I request that my {passport / certificate of identity and registration} be—

(a) Extended for six months. Ppt. limited to Oct.1.1951, but does not state should be referred to the Department of State for further extention.

(b) Amended to exclude my (wife) (husband) _____

(minor children) _____

who (is) (are) (not to accompany me) (to apply for separate passport) (residing abroad).

(c) Amended to give description of present bearer (if other than original applicant):

_____ (Name of bearer)

Height _____ Eyes _____ Hair _____

Place of birth _____

Date of birth _____

(d) Amended to read in married name _____

I was married on _____ at _____

to _____

who is {an American citizen. / a citizen of} _____

MARRIAGE CERTIFICATE seen by _____ (Not to be filled in by applicant)

(e) Amended to read _____

CERTIFICATE OF ACTION TAKEN

American Consular Service at Nice, France

I hereby certify that the above {passport / certificate of identity and registration} was on August 28, 1951 (Date)

☐ Amended as requested.

☒ Extended for six months. (Insert length of period)

☐ Referred to the Department for consideration and decision.

Authority _____ (If specially authorized by letter, instruction, or telegram)

Documentary evidence submitted Applicant states it is her intention to proceed to the United States in October 1951, as soon as she can obtain a passage. (Brief description)

[SEAL] [NO FEE]

_____ (Signature of American Consul) Vice Consul

INSTRUCTIONS

*In cases where specific authorization by the Department is required a notation of the action taken, upon the receipt of a reply from the Department, should be transmitted to the Department on a third copy of this form.

U. S. GOVERNMENT PRINTING OFFICE 16—12843-1

(43)

Patent Bureau No. 47-R011.1
Form approved.

Form No. 219
FOREIGN SERVICE
(Established May 1916—Rev. June 1949)

Passport No. 240/F530230

Issued on March 30, 1951

At {Washington / Mexico City}

APPLICATION FOR AMENDMENT OR EXTENSION OF {PASSPORT / CERTIFICATE OF IDENTITY AND REGISTRATION}

(To be filled out in duplicate)*

I, Dorothy Gould Burns (Name), request that my {Passport / Certificate of Identity and Registration} be amended to include my wife, _____ (Name in full), who was born at _____ (Place and State or country) on _____ (Date), to whom I was married on _____ (Date of marriage) at _____ (City, State, or country) and whose photographic likeness is attached.

My wife's maiden name was _____

and she {was not previously married. / was previously married on _____ (Important: Date of each previous marriage must be given)}

She was formerly married to _____ (Full name of former husband)

on _____ (Date) at _____ (City, State, or country)

who was born at _____ (City, State, or country) and the marriage was terminated by {death / divorce} (Cross out one) on _____ (Date)

Her present address is _____ (City) (State) (Country)

My wife's last American passport was obtained from _____ (Insert Washington, or location of office abroad) on _____ (Date)

and is submitted herewith for cancellation _____ (Give disposition of passport if it cannot be submitted)

I request that my {Passport / Certificate of Identity and Registration} be amended to include my minor children, as follows, whose photographic likeness is attached.

_____ (Name in full), born at _____ (Place and State or country) on _____ (Date),

resided in the United States from _____ to _____

and is now residing at _____

_____ (Name in full), born at _____ (Place and State or country) on _____ (Date),

resided in the United States from _____ to _____

and is now residing at _____ (Attach here sheet giving information, as above, on any additional children to be included in passport)

I {have / have not} been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, or to the case of any other person included in this application, a supplementary statement under oath should be attached and made a part hereof.

A duplicate of the photograph to be affixed to the passport should be pasted here.

Dorothy Gould Burns
(Signature of applicant)

Dorothy Gould Burns
Lion Abri, Juan-les-Pins, France
(Foreign address)

American consular service at Nice, France

I CERTIFY that the person to whom the above passport was issued appeared before me in person and signed and swore to the above application on the 28th day of August, 19[illegible]

William [illegible]
(Signature)

American Vice Consul
(Title)

(Consular Officer.)

Applications may be executed by mail if they have been sworn to before a local officer authorized to administer oaths for general purposes. In such a case the foreign official should fill out, sign, and affix seal to the jurat above.

16—53.N 3

41

E 28

Excerpts from Dorothy Gould Burns' Passport File

APPLICATION FOR AMENDMENT OR EXTENSION OF {PASSPORT / CERTIFICATE OF IDENTITY AND REGISTRATION} —Continued.

I request that my {passport / certificate of identity and registration} be—

(a) Extended for 4 months. from November 30, 1952 to March 29, 1953.

(b) Amended to exclude my (wife) (husband) _____

(minor children) _____

who (is) (are) (not to accompany me) (to apply for separate passport) (residing abroad).

(c) Amended to give description of present bearer (if other than original applicant):

_____ (Name of bearer)

Height _____ Eyes _____ Hair _____

Place of birth _____

Date of birth _____

(d) Amended to read in married name _____

_____

I was married on _____ at _____

to _____

who is {an American citizen. / a citizen of _____}

MARRIAGE CERTIFICATE seen by _____ (Not to be filled in by applicant)

(e) Amended to read _____

_____

_____

CERTIFICATE OF ACTION TAKEN

American Consular Service at Mexico, D.F., Mexico

I hereby certify that the above {passport / certificate of identity and registration} was on May 6, 1952 (Date)

☐ Amended as requested.

☐ Extended for _____ (Insert length of period)

☒ Referred to the Department for consideration and decision. Applicant states that she desires passport for travel to Europe.

Authority _____ (If specially authorized by letter, instruction, or telegram)

Documentary evidence submitted _____

_____ (Brief description)

[SEAL] [NO FEE]

_____ (Signature of American consular officer)

Consul

INSTRUCTIONS

... should be transmitted to the Department on a third copy of this form.

(45)

U. S. GOVERNMENT PRINTING OFFICE 16—65480-4

E 29

Excerpts from Dorothy Gould Burns' Passport File

Department

Form No. 216

FOREIGN SERVICE

(Established May 2016—Rev. June 1948)

Budget Bureau No. 47-R0113.
Form approved.

Passport No. 249

Issued on March 30, 1951

DEPT'S DECISION REQUESTED

At {Washington, Mexico, D.F., Mexico}

APPLICATION FOR AMENDMENT OR EXTENSION OF {PASSPORT / CERTIFICATE OF IDENTITY AND REGISTRATION}

(To be filled out in duplicate)*

BURNS, DOROTHY GOULD

I Dorothy Gould BURNS (Name), request that my {Passport / Certificate of Identity and Registration} be amended to include my wife, _____ (Name in full), who was born at _____ (Place and State or country) on _____ (Date), to whom I was married on _____ (Date of marriage) at _____ (City, State, or country) and whose photographic likeness is attached.

My wife's maiden name was _____

and she {was not previously married. / was previously married on _____ (Important: Date of each previous marriage must be given)}

She was formerly married to _____ (Full name of former husband)

on _____ (Date) at _____ (City, State, or country)

who was born at _____ (City, State, or country) and the marriage was terminated by {death / divorce} (Cross out one) on _____ (Date)

Her present address is _____ (City) _____ (State) _____ (Country)

My wife's last American passport was obtained from _____ (Insert Washington, or location of office abroad) on _____ (Date)

and is submitted herewith for cancellation _____ (Give disposition of passport if it cannot be submitted)

I request that my {Passport / Certificate of Identity and Registration} be amended to include my minor children, as follows, whose photographic likeness is attached.

_____ (Name in full), born at _____ (Place and State or country) on _____ (Date)

resided in the United States from _____ to _____

and is now residing at _____

_____ (Name in full), born at _____ (Place and State or country) on _____ (Date)

resided in the United States from _____ to _____

and is now residing at _____

(Attach here sheet giving information, as above, on any additional children to be included in passport)

I {have / have not} been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, or to the case of any other person included in this application, a supplementary statement under oath should be attached and made a part hereof.

A duplicate of the photograph to be affixed to the passport should be pasted here.

Dorothy Gould Burns
(Signature of applicant)

IVE. Chapultepec 411, Mexico, D.F.
(Foreign address)

American consular service at Mexico, D.F.

I CERTIFY that the person to whom the above passport was issued appeared before me in person and signed and swore to the above application on the 6th day of May, 1952

_____
(Signature of officer)

Consul
(Title)

NOTE.—To be sworn to at option of Consular Officer. (No fee if sworn to before Consular officer.)

*Applications may be executed before a diplomatic or consular officer of the United States in the foreign state in which the applicant resides, and if the applicant should desire such action, such officer may forward the application to the proper office.

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Excerpts from Dorothy Gould Burns' Passport File

DEPARTMENT OF STATE

WASHINGTON

AIR MAIL

UNCLASSIFIED

To the Officer in Charge of the American Mission,
Mexico City.

The Department has received from your office the application of Dorothy Gould Burns for extension of passport No. 240, which was issued on March 30, 1951.

You are authorized to extend the passport above mentioned to be valid to March 29, 1953 provided you are satisfied that Mrs. Burns acquired Mexican citizenship solely through her marriage to a naturalized Mexican citizen, and that the acquisition of Mexican nationality was not effected by the performance of any act on her part.

(41)

[illegible] Dorothy Gould
PD:CHShotwell:ofb 8/13/52

D-112-7

E 31

Excerpts from Dorothy Gould Burns' Passport File

Form Prescribed (Revised January 1949)

Department

APPLICATION FOR RENEWAL OF PASSPORT

***CAUTION.*—Extension of expressly limited passports must be applied for on Form 219**

In conformity with the rules and regulations prescribed by the President and the Secretary of State pursuant to law, I, the undersigned, hereby apply for a renewal of the period of validity of my passport, the number and date of which appear herein.

RENEWAL SERIES No. 551

Passport No. 249

Passport Serial No. 2038236

Issued on 3-30-51 (Date) *at* Mexico, D.F. (Place)

I, Dorothy Gould BURNS (Name), a {naturalized / native} American citizen, do hereby apply for the renewal of my passport. I was {~~married~~ / unmarried} May 22, 1944 (To be filled in by women only)

My husband is a {~~naturalized~~ / native} ~~American citizen~~ / an alien, a citizen of Mexico. (Name of country)

My legal residence is Chapultepec 411, Mexico, D.F., Mexico (Street address) (City) (State)

I represent the housewife (Name of person or organization)

(Insert surname) BURNS, Dorothy Gould (Given names)

The part in this block is to be filled in by all persons who have acquired citizenship through naturalization.

Since my present passport was issued, I have resided outside the United States at the following places for the periods stated:

_____ from _____ to _____

X _____ from _____ to _____

_____ from _____ to _____

The purposes of my visits to the foregoing countries were:

X _____ (Give reason or reasons for stay in each country named)

_____

X _____

I {~~have~~ / have not} been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in, the armed forces of a foreign state; accepted, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, or to the case of any other person included in this application, a supplementary statement under oath should be attached and made a part hereof.

Dorothy Gould Burns (Signature of applicant)

Chapultepec 411, Mexico, D.F., Mexico (Foreign address)

I CERTIFY that the person to whom the above passport was issued appeared before me in person and swore to and signed the above application on the 30th day of March, 19 53

[signature illegible]
American Vice Consul (Title)

Fee $9.00

(Initials) REMARKS: Please see Embassy's Despatch No. 1566 of 2/19/1953 Mexico, D.F.

(OVER)

E 32

Excerpts from Dorothy Gould Burns' Passport File

CERTIFICATE OF ACTION TAKEN

I HEREBY CERTIFY that the above passport was on March 30, 1953. (Date)

[redacted]
referred to the Department for consideration and decision [redacted]

(Signature)

W. D. Corkern
American Vice Consul
(Title)

[SEAL]

Notarial Service No.

(After application has been submitted to Department and instruction in reply received)

I HEREBY CERTIFY that the above passport was on _____ (Date)

renewed for _____ months.
renewed for two years.
refused renewal and passport taken up.

Authority _____

_____ (Signature)

[SEAL]

_____ (Title)

Notarial Service No. _____

In duplicate, but when the application is to be referred to the Department for consideration, it should be taken in triplicate. After the Department's decision is reported to the consular office, the triplicate copy should be filled in with the final action taken and forwarded to the Department, the duplicate copy on file in the office being amended accordingly.

DEPARTMENT OF STATE
RECEIVED
APR 7 1953
FEDERAL BUREAU OF INVESTIGATION

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E 33

Excerpts from Dorothy Gould Burns' Passport File

Department of State

APPLICATION FOR RENEWAL OF PASSPORT

CAUTION.—Extension of expressly limited passports must be applied for on Form 219

In conformity with the rules and regulations prescribed by the President and the Secretary of State pursuant to law, I, the undersigned, hereby apply for a renewal of the period of validity of my passport, the number and date of which appear herein.

RENEWAL SERIES No. _____
Passport No. 249
Passport Serial No. FS38236
Issued on 3-30-51 (Date) at Mexico D.F. (Place)

I, Dorothy Gould BURNS (Name), a [naturalized / native] American citizen, do hereby apply for the renewal of my passport. I was [married / married on] May 22, 1944 (To be filled in by women only)

My husband is a [naturalized / native / an alien], a citizen of Mexico (Name of country)

My legal residence is Chapultepec 411, Mexico, D.F. Mexico (Street address) (City) (State)

I represent the housewife (Name of person or organization)

The part in this block is to be filled in by all persons who have acquired citizenship through naturalization.

Since my present passport was issued, I have resided outside the United States at the following places for the periods stated:

_____ from _____ to _____
X _____ from _____ to _____
X _____ from _____ to _____

The purposes of my visits to the foregoing countries were:

X _____ (Give reason or reasons for stay in each country named)
_____
X _____

I [have / have not] been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in, the armed forces of a foreign state; accepted, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, or to the case of any other person included in this application, a supplementary statement under oath should be attached and made a part hereof.

Dorothy Gould Burns (Signature of Applicant)
Chapultepec 411, Mexico, D.F., Mexico (Foreign address)

I CERTIFY that the person to whom the above passport was issued appeared before me in person and swore to and signed the above application on the 30th day of March 1953

W. D. Corkern
American Vice Consul

Fee $5.00

REMARKS: Please see Embassy's Despatch No. 1556 of 3/19/1953 Mexico, D.F.

(50)

(OVER)

BURNS, Dorothy Gould (name of applicant) FOREIGN SERVICE U.S.A. (name of issuing office) MAR 30 1951 (date of issuance)

Gm 13 Apr 5-2652

E 34

Excerpts from Dorothy Gould Burns' Passport File

APPLICATION FOR ~~AMENDMENT OR~~ EXTENSION OF {PASSPORT / CERTIFICATE OF IDENTITY AND REGISTRATION} —Continued.

I request that my {passport / ~~identity and registration~~} be—

(a) Extended for ____ months. valid to March 29, 1953.

(b) Amended to exclude my (wife) (husband) _____

(minor children) _____

who (is) (are) (not to accompany me) (to apply for separate passport) (residing abroad).

(c) Amended to give description of present bearer (if other than original applicant):

_____ (Name of bearer)

Height _____ Eyes _____ Hair _____

Place of birth _____

Date of birth _____

(d) Amended to read in married name _____

I was married on _____ at _____

to _____

who is {an American citizen / a citizen of} _____

MARRIAGE CERTIFICATE seen by _____ (Not to be filled in by applicant)

(e) Amendments This passport may not be renewed without express authorization of the Department of State.

CERTIFICATE OF ACTION TAKEN

American Consular Service at Mexico, D.F., Mexico

I hereby certify that the above {passport / ~~identity and registration~~} was on January 26, 1953 (Date)

☐ Amended as requested.

☒ Extended for 4 months, valid to March 29, 1953. (Insert length of period)

☐ Referred to the Department for consideration and decision.

Authority Dept. Instruction dated Aug. 18, 1952 - Emergency Travel. (If specially authorized by letter, instruction, or telegram)

Documentary evidence submitted _____ (Brief description)

[SEAL] [NO SEAL]

Charles [illegible] Consul

INSTRUCTIONS

In cases where specific authorization by the Department is required, a notation of the action taken, upon the receipt of a reply from the Department, should be transmitted to the Department on a third copy of this form.

(51)

E 35

Excerpts from Dorothy Gould Burns' Passport File

Department
Form No. 219
FOREIGN SERVICE
(Established May 1906—Rev. June 1942)

Passport No. 249

Issued on March 30, 1951

At Mexico, D.F., Mexico

APPLICATION FOR AMENDMENT OR EXTENSION OF { PASSPORT / CERTIFICATE OF IDENTITY AND REGISTRATION }

(To be filled out in duplicate)*

I, Dorothy Gould BURNS (Name), request that my (Passport) be amended to include my wife, _____ (Name in full), who was born at _____ (Place and State or country) on _____ (Date), to whom I was married on _____ (Date of marriage) at _____ (City, State, or country) and whose photographic likeness is attached.

My wife's maiden name was _____

and she { was not previously married. / was previously married on _____ (Important: Date of each previous marriage must be given) }

She was formerly married to _____ (Full name of former husband)

on _____ (Date) at _____ (City, State, or country)

who was born at _____ (City, State, or country) and the marriage was terminated by { death / divorce } (Cross out one) on _____ (Date)

Her present address is _____ (City) (State) (Country)

My wife's last American passport was obtained from _____ (Insert Washington, or location of office abroad) on _____ (Date)

and is submitted herewith for cancellation _____ (Give disposition of passport if it cannot be submitted)

I request that my { Passport / Certificate of Identity and Registration } be amended to include my minor children, as follows, whose photographic likeness is attached.

_____ (Name in full), born at _____ (Place and State or country) on _____ (Date)

resided in the United States from _____ to _____

and is now residing at _____

_____ (Name in full), born at _____ (Place and State or country) on _____ (Date)

resided in the United States from _____ to _____

and is now residing at _____ (Attach here about giving information, as above, on any additional children to be included in passport)

I { have / have not } been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, or to the case of any other person included in this application, a supplementary statement under oath should be attached and made a part hereof.

A duplicate of the photograph to be affixed to the passport should be pasted here.

Dorothy Gould Burns
(Signature of applicant)

Chapultepec 411, Mexico, D.F., Mex.
(Foreign address)

American consular service at Mexico, D.F., Mex.

I CERTIFY that the person to whom the above passport was issued appeared before me in person and signed and swore to the above application on the 26th day of January, 1953

Chester H. Harvey
American Consul
(Title)

NOTE.—To be sworn to at option of Consular Officer. (No fee if sworn to before Consular Officer.)

Applications may be accepted by mail if they have been sworn to before a local officer authorized to administer oaths for notarial purposes. In such a case the foreign notarial should tell such, again, and also his seal to the jurat shown.

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NOT.

Page ____ of
Desp. No. ____
From ____

UNCLASS IFIED
(Classification)

Page 2 of
Encl. No. 4
Desp. No. 1566
From Mexico, D. F.

La Secretaría de Relaciones Exteriores aprovecha la oportunidad para renovar a la Embajada de los Estados Unidos de América las seguridades de su más alta consideración.

México, D. F., a 19 de diciembre de 1952.

TRANSLATION OF FOREIGN OFFICE NOTE NO. 7161.

7161.- The Ministry for Foreign Relations presents its compliments to the Embassy of the United States of America and has the honor to refer to its note No. 483 of the 2nd of the present month, in which it requests certain information relative to the form and legal bases on which this Ministry recognized Mr. Archibaldo Burns Moreno as a Mexican national by birth.

The interested party proved that his birth occurred in national territory on December 7, 1888, his father, John Burns, being a native of Scotland, on the basis of which his nationality was held to come within the purview of the provisions of paragraph II of article 2 of the alienage and Naturalization Law of May 28, 1886.

Said provision reads as follows:

"Article 2. The following are foreigners:---II. Children of a foreign father or of a foreign mother and of an unknown father, born in national territory, until reaching the age at which, in accordance with the nationality law of the father or of the mother, respectfully, they are of age. One year from that date having passed without their having indicated to the political authority of the place of their residence that they retain the nationality of their parents, they shall be considered to be Mexicans."

Thus, since Mr. Burns reached his majority on December 7, 1909, he proved satisfactorily to this office that within one year following he did not opt for the Scotch nationality of his father, such omission resulted in the acquisition of Mexican nationality by birth.

Effectively, said nationality which was recognized by this Ministry as evidenced by Certificate No. 711 dated April 17, 1946, is considered to be by birth and its acquisition occurred in an automatic manner upon the passage of one year following his majority without his having opted for the foreign nationality of his father.

Page ____ of
Desp. No. ____
From ____

UNCLASSIFIED
(Classification)

Page 3 of
End. No. 4
Desp. No. 1566
From Mexico, D. F.

At the same time it is concluded that in accordance with the legal disposition quoted, Mr. Burns had the Scotch nationality of his father during his minority, but upon acquiring Mexican nationality it is considered to be from birth.

The Ministry for Foreign Relations avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

México, D. F., a 19 de diciembre de 1952.

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Excerpts from Dorothy Gould Burns' Passport File

Page ____ of
Desp. No. ____
From ____

UNCLASSIFIED
(Classification)

Page 1 of
Encl. No. 4
Desp. No. 1566
From Mexico, D. F.

COPY OF FOREIGN OFFICE NOTE No. 7161.

7161.- La Secretaría de Relaciones Exteriores saluda atentamente a la Embajada de los Estados Unidos de América y tiene la honra de hacer referencia a su nota número 483 de fecha 2 del actual en la que solicita unos informes respecto a la forma y fundamentos legales en que esta Secretaría reconoció al señor Archibaldo Burns Moreno, su nacionalidad mexicana por nacimiento.

El interesado comprobó su nacimiento ocurrido en territorio nacional el 7 de diciembre de 1888 siendo su padre Juan Burns natural de Escocia, por lo que su caso de nacionalidad quedó comprendido dentro de lo dispuesto por el artículo 2 fracción II de la Ley sobre Extranjería y Naturalización de 28 de mayo de 1886.

Dicha disposición establecía textualmente:
"Art. 2 Son extranjeros:--- II.-Los Hijos de padre extranjero o de madre extranjera y de padre desconocido, nacidos en el territorio nacional, hasta llegar a la edad en que conforme a la ley de la nacionalidad del padre o de la madre, respectivamente, fueren mayores. Transcurrido el año siguiente a esa edad, sin que ellos manifiesten ante la autoridad política del lugar de su residencia que siguen la nacionalidad de sus padres, serán considerados como mexicanos:"

Así pues, como el señor Burns Moreno cumplió su mayor edad el 7 de diciembre de 1909, comprobó fehacientemente ante esta Dependencia que dentro del año siguiente no optó por la nacionalidad escocesa de su padre, por lo que tal omisión trajo aparejada la adquisición de su nacionalidad mexicana por nacimiento.

En efecto, dicha nacionalidad que se le reconoció por esta Secretaría, según certificado número 711 de 17 de abril de 1946, se estima que es por nacimiento y su adquisición operó en forma automática al transucrrir el año siguiente a su mayor edad sin que hubiese optado por la nacionalidad extranjera de su padre.

Asimismo se concluye que conforme a la disposición legal transcrita, el señor Burns durante su menor edad tuvo la nacionalidad escocesa de su padre pero al adquirir la mexicana lo fué desde la fecha de su nacimiento.

(55)

La

UNCLASSIFIED

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Excerpts from Dorothy Gould Burns' Passport File

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Desp. No. ____
From ____

UNCLASSIFIED
(Classification)

Page 1 of
Encl. No. 3
Desp. No. 1566
From Mexico, D. F.

COPY

No. 483

The Embassy of the United States of America presents its compliments to the Ministry for Foreign Relations and has the honor to acknowledge the receipt of the Ministry's note No. 7140 relative to the citizenship status of Mrs. Dorothy Gould Burns.

The Ministry states that Mrs. Burns was issued a certificate of Mexican nationality on January 2, 1945 since she acquired Mexican nationality under the provisions of paragraph II of Article 2 of the current Nationality and Naturalization Law by virtue of her marriage to Archibaldo Burns on May 24, 1944.

In the penultimate paragraph of its note the Ministry further informs the Embassy that Mr. Burns was issued a certificate of Mexican nationality by birth on April 17, 1946 in view of his birth in Mexico on December 7, 1888. Since it is understood that he was previously a British subject, it is assumed that Mr. Burns availed himself of the provisions of Transitory Article 3, as amended, of the Mexican Nationality and Naturalization Law of January 20, 1934 in applying for his Certificate of Nationality.

If this assumption is correct, it is respectfully requested that the Ministry inform the Embassy if Mr. Burns possessed Mexican citizenship prior to the date on which he executed his application for recognition as a Mexican citizen by birth, and, if so, under what provision of Mexican law. If he did not possess Mexican citizenship prior to making application therefor, it is further requested that the Ministry indicate the controlling date from which Mr. Burns is considered to be a Mexican citizen by birth; that is, whether the date of execution of his application, or the date of issuance of his certificate of Mexican nationality, or some other date.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry for Foreign Relations the assurances of its highest consideration.

Mexico, D. F., December 2, 1952.

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Excerpts from Dorothy Gould Burns' Passport File

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Desp. No. ____
From ____

UNCLASSIFIED
(Classification)

Page 2 of
Encl. No. 2
Desp. No. 1566
From Mexico, D. F.

TRANSLATION OF FOREIGN OFFICE NOTE NO. 7140

The Ministry for Foreign Relations presents its compliments to the Embassy of the United States of America and has the honor to refer to its note no. 386 of the 20th of October past, in which it requests information with respect to the case of the nationality of Mrs. Dorothy Gould Burns.

In this connection the Embassy is informed that Mrs. Burns was issued certificate of Mexican nationality No. 6 on January 2, 1945, in accordance with paragraph II of Article 2 of the current Nationality and Naturalization Law.

The interested party proved to this Ministry that she contracted marriage with Mr. Archibado BUBNS Moreno on May 24, 1944, thereby acquiring Mexican nationality from the date of her marriage in accordance with the law cited above.

Mr. Archibaldo Burns Moreno was issued certificate of Mexican nationality No. 711 on April 17, 1946, since he proved that he was born in Mexican territory on December 7, 1888, for which reason he was recognized as having Mexican nationality by birth.

The Ministry for Foreign Relations avails itself of this opportunity to reiterate to the Embassy of the United States of America the assurances of its highest consideration.

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Excerpts from Dorothy Gould Burns' Passport File

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Desp. No. ____
From ____

UNCLASSIFIED
(Classification)

Page 1 of
Encl. No. 2
Desp. No. 1566
From Mexico, D. F.

COPY OF FOREIGN OFFICE NOTE NO. 7140

7140. La Secretaría de Relaciones Exteriores saluda atentamente a la Embajada de los Estados Unidos de América y tiene la honra de hacer referencia a su atenta nota número 386 de fecha 20 de octubre pasado en la que solicita informes respecto al caso de nacionalidad de la señora Dorothy Gould Burns.

Sobre el particular se informe a esa Embajada que a la señora Gould de Burns se le expidió certificado de nacionalidad mecicana número 6 de fecha 2 de enero de 1945 con fundamento en el artículo 2 fracción II de la vigente Ley de Nacionalidad y Naturalización.

La interesada comprobó ante esta Secretaría que contrajo matrimonio con el señor Archibaldo Burns Moreno con fecha 24 de mayo de 1944, por lo que adquirió la nacionalidad mexicana desde la fecha de su matrimonio de acuerdo con la disposición legal citada.

Al señor Archibaldo Burns Moreno se le expidió certificado de nacionalidad mexicana por nacimiento bajo el número 711 de fecha 17 de abril de 1946, toda vez que comprobó haber nacido en territorio mexicano el 7 de diciembre de 1888, por lo que se le reconoció la nacionalidad mexicana por nacimiento.

La Secretaría de Relaciones Exteriores aprovecha la oportunidad para renovar a la Embajada de los Estados Unidos de América las seguridades de su más alta consideración.

México, D. F., a 1 de noviembre de 1952.

Page ____ of
Desp. No. ____
From ____

UNCLASSIFIED
(Classification)

Page 1 of
Encl. No. 1
Desp. No. 1566
From Mexico, D. F.

COPY

No. 386.

The Embassy of the United States of America presents its compliments to the Ministry for Foreign Relations and has the honor to refer to the nationality status of Mrs. Dorothy Gould Burns.

Mrs. Burns is the wife of Mr. Archibaldo Burns, who became a naturalized Mexican citizen in 1944. It is understood that Mrs. Burns also acquired Mexican nationality through the naturalization of her husband. It is respectfully requested that the Ministry inform the Embassy the date on which Mr. Burns acquired Mexican nationality and, also, whether Mrs. Burns was included in his naturalization, or whether she acquired Mexican nationality by her own application at a later date. If Mrs. Bruns acquired Mexican nationality subsequent to the naturalization of her husband, it will be appreciated if the Ministry will inform the Embassy of the number and date of the issuance of her Certificate of Mexican nationality, as well as the date on which she executed the application therefor.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Relations the assurances of its highest consideration.

Mexico, D. F., October 20, 1952.

COPY



UNCLASSIFIED

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Air Pouch (PRIORITY) | UNCLASSIFIED (Security Classification) | DO NOT TYPE IN THIS SPACE

FOREIGN SERVICE DESPATCH 1-20-53

FROM : AMEMBASSY, MEXICO, D. F. — No. 1566 (DESP. NO.)

TO : THE DEPARTMENT OF STATE, WASHINGTON. — January 19, 1953 (DATE)

REF : Department's Instruction Dated Aug. 18, 1952

For Dept. Use Only	ACTION REC'D	DEPT. INFO OTHER

SUBJECT: Citizenship Status of Dorothy Gould BURNS

Upon receipt of the Department's instruction under reference the Embassy addressed a note to the Mexican Ministry for Foreign Relations requesting information that would clarify Mrs. Burns' Mexican nationality status. The Ministry's reply gave rise to another point that needed clarification, and another note to the Ministry was prepared. The Ministry's reply to the Embassy's second note has now been received, and copies of the notes exchanged, together with translations of the Ministry's notes, are enclosed for the Department's information. It is believed that these notes are self-explanatory.

ACTION REQUESTED

Please advise the Embassy whether or not the Department is satisfied that Mrs. Burns did not lose her American citizenship by her acquisition of Mexican nationality.

For the Chargé d'Affaires, a. i.,

W. K. Ailshie,
American Consul General.

Enclosures:
No. 1- Note No. 386
No. 2- F. O. Note No. 7140 and translation
No. 3- Note No. 483
No. 4- F.O. Note No. 7161 and translation

CHKimrey/rh (REPORTER)

UNCLASSIFIED

ACTION COPY — DEPARTMENT OF STATE

The action office must return this permanent record copy to DC/R files with an endorsement of action taken.

150-BURNS, DOROTHY GOULD

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. J. T. White

DATE: February 27, 1953

FROM : W. H. Young

SUBJECT: Dorothy Gould Burns

I am returning the file of Dorothy Gould Burns in order that appropriate action may be taken in connection with the despatch received from the American Embassy at Mexico City. I received a telephone call from Mr. Matheson of the firm of Patterson, Belknap and Webb of New York (Whitehall 3-1300) about Mrs. Burns' case. It seems that she encountered difficulty in entering the United States with a Mexican passport and Mr. Matheson was trying to find out why she could not be provided with a valid American passport while residing in Mexico. I told Mr. Matheson that we had been looking into the question whether Mrs. Burns had lost her American citizenship through acquisition of Mexican nationality, that we had received a report from the Embassy, and that action in the case would be taken probably within the next two weeks.

130 - Burns, Dorothy Gould

PD:WHYoung:HLP

61

E 45

Excerpts from Dorothy Gould Burns' Passport File

PATTERSON, BELKNAP & WEBB
ONE WALL STREET
NEW YORK 5, N.Y.

CHAUNCEY BELKNAP
VANDERBILT WEBB
RICHARD H. McCANN
JOHN V. DUNCAN
WINDSOR B. PUTNAM
RICHARD G. MOSER
JOHN N. IRWIN, II

JAMES F. CURTIS
COUNSEL

CABLE ADDRESS
CURTISITE

March 18, 1953

Department of State
Passport Division
Washington, D. C.

Attention: Mr. Young

Dear Mr. Young:

I spoke to you on the telephone regarding Mrs. Dorothy Gould Burns' passport on February 17, 1953. You will doubtless recall that you indicated to me at that time that Mrs. Burns would be issued another passport, limited as to time, and that this decision would be reached within approximately two weeks at the latest.

I have a letter from Mrs. Burns dated March 13 stating that she still has not heard regarding her application for an extension of her passport. As I explained previously, she is urgently needed here to proceed with the administration of her mother's estate. Creditors of the estate are waiting to be paid and we have had to obtain various limited extensions of proceedings with the Federal and State tax authorities.

It would be very kind of you to inform me of any developments in her case which have complicated and delayed the processing of her application for an extended passport.

(63)

If any such have arisen, I should also appreciate your outlining to me what power of attorney, if any, from Mrs. Burns would be necessary for me to represent her before the Department.

Thanking you for your kindness and an early reply,

I am

Very truly yours,

William L. McKercher

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UNCLASSIFIED MAY 7 1952

E 47

STANDARD FORM NO. 64 *Excerpts from Dorothy Gould Burns' Passport File*

Office Memorandum • UNITED STATES GOVERNMENT

TO :

DATE: March 23, 1953

FROM :

SUBJECT: Dorothy Gould Burns

MEMORANDUM FOR FILE

At the request of Mr. White I returned on March 19, 1953 Mr. Matheson's telephone call to Mr. Young and I informed Mr. Matheson that it was not clear from the record exactly what difficulty Mrs. Burns encountered when she attempted to enter the United States as he reported to Mr. Young.

Mr. Matheson was somewhat evasive when I mentioned a Mexican passport to him, he said that he was not sure that Mrs. Burns had a Mexican passport. After conversation, he admitted however that it was purely hearsay and that he had told Mr. Young that she did have a Mexican passport since a friend of Mrs. Burns had so informed him, that Mrs. Burns did not encounter any difficulty with the Immigration and Naturalization Service when she attempted to enter the United States but to the contrary encountered difficulty with the Pan American Airways when she attempted to obtain either reservations or to aboard one of their ships to come into the United States. Mr. Matheson's assumption is that the carrier refused her passage on the premise that she had a Mexican passport which was not in order because it might place the carrier in some precarious situation as to financial responsibility should she not be able to enter the United States. I explained to Mr. Matheson why the Mexican Government considers Mrs. Burns a Mexican national by marriage, but that she had not by this reason become expatriated.

I told Mr. Matheson that Mrs. Burns had a valid passport until the twenty-ninth of this month and that the passport had a potential validity until at least March of 1953. I also informed him that ordinarily an American citizen does not need a passport to enter the United States from Mexico and that insofar as a passport for residence in Mexico was concerned in her case that was another question. That in this connection it was contrary to the Department to permit a person to possess two valid passports at the same time. In winding up the conversation Mr. Matheson asked me to send him a letter concerning the status of Mrs. Burns' case. He also said that he had sent a letter to Mr. Young, as of this date, and that Mrs. Burns had been pressing him to wind up her case. He finished his conversation by saying could she get a renewal of her passport, that he believed that she

(65)

was

was tired of having her passport renewed from time to time. I told him that the fact was that she didn't need an American passport for residence in Mexico and that since she possessed dual nationality and had resided abroad for most of her life I doubted very much if she could have a passport for residence in Mexico, that the proper document of this type of case would be for her to have a card or certificate of registration for residence in Mexico since a passport in its true sense is basically a travel document whereas the former documents mentioned are documents for the purpose of identifying a person who is residing abroad as an American citizen.

PD:JJCurry: mmf

(64)

Department

E 49

Excerpts from Dorothy Gould Burns' Passport File

MEMO FOR THE FILE RE: MRS. DOROTHY GOULD BURNS

SUBJECT: Telephone conversation with William L. Matheson, Attorney for Mrs. Dorothy Gould Burns

The original memorandum which was drafted for the file of Mrs. Burns concerning a conversation which took place with Mr. Matheson during the week of March 23, 1953 has become misplaced. The following is to the best of my recollection the conversation which took place.

Mr. Matheson informed the undersigned that Mrs. Burns was refused reservations by an air line carrier in Mexico for return to the United States since she possessed two valid passports namely an American passport and a Mexican passport. He asked me what other document Mrs. Burns could obtain in order to enter the United States. I told him that she could obtain a card or certificate of identity and registration as an American citizen; However, that it would seem desirable for her to contact the Embassy and inform that office of her difficulty and to perhaps have the Embassy call the carrier by telephone and explain that Mrs. Burns is a citizen of the United States or that she request the Embassy to issue a letter to that effect. Mr. Matheson asked me specifically whether in my opinion Mrs. Burns had lost citizenship of the United States. I informed him that my opinion was subject to review but that so far as I could see she had not lost citizenship of the United States. I asked Mr. Matheson whether Mrs. Burns in fact did have a passport which was valid until March 29, 1953. He stated that she did. The reason that I asked this question was that it is not entirely clear from the file whether the Embassy extended Mrs. Burns' passport. He seemed satisfied and I told him that we had received his letter of March 18, 1953 and that a letter had been sent which would reach his office within a few days.

(66)

E 50

Excerpts from Dorothy Gould Burns' Passport File

PATTERSON, BELKNAP & WEBB
ONE WALL STREET
NEW YORK 5, N.Y.

CHAUNCEY BELKNAP
VANDERBILT WEBB
RICHARD H. McCANN
JOHN V. DUNCAN
WINDSOR B. PUTNAM
RICHARD G. MOSER
JOHN N. IRWIN, II

JAMES F. CURTIS
COUNSEL

CABLE ADDRESS
CURTISITE

Foreign Service
Legal Advisor
& Atty.
4/24/53

April 2, 1953

Miss R. B. Shipley
Director, Passport Office
Department of State
Washington 25, D. C.

Re: Y13C - Burns, Dorothy Gould

Dear Miss Shipley:

I have your letter of March 31st concerning the above reference. Although you did not expressly state that you have determined that Mrs. Burns remains a United States citizen, I infer that to be true.

Your suggestion that she obtain a card or certificate of identity and registration as an American citizen at the consular establishment in Mexico has thus far been unavailing because the consul there has not been informed as to your decision regarding Mrs. Burns' retention of her United States citizenship.

When the consul in Mexico City is duly notified of your adjudication concerning Mrs. Burns' citizenship, she will be able to obtain her card of identity, but she will still be unable to leave Mexico except by crossing the border at a border town. This, as I understand it, is due to the fact that the

(1)

Mexican government will not issue the necessary pass ("immigrante" or "immigrado") to leave Mexico to a United States citizen who has simply a card of identity and not a passport. Of course, Mrs. Burns is quite willing to go to the border, but it seems a needless inconvenience.

Since it is apparent that it is your policy not to provide American citizens living in Mexico with passports to facilitate their entry into the United States, it would be a great help to such citizens if you could arrange with the Mexican authorities for them to obtain permission to leave that country simply with a card of identity.

I presume Mrs. Burns will have no further trouble in obtaining her card of identity, and I am grateful for your co-operation in her behalf.

Very truly yours,

William L. Matheson

WILLIAM L. MATHESON

(61)

E 52

FORM DS-916
8-1-51

Excerpts from Dorothy Gould Burns' Passport File

INCOMING TELEGRAM
(LIMITED DISTRIBUTION)

Department of State

ACTION COPY

TELEGRAPH BRANCH

5

UNCLASSIFIED

Control: 2511
Rec'd: April 9, 1953
2:13 a.m.

Action
PD

Info

FROM: Mexico City

TO: Secretary of State

NO: WIROM 1594, April 8.

Reference application passport renewal Dorothy Gould Burns, March 30, 1953.

Please telegraph Department's decision. If renewal passport not authorized does Department approve registration and issuance card? Applicant desires perform urgent travel United States.

STCOR

CULBERTSON

JAK:OJS/16

3-31-52 Citizenship case file

UNCLASSIFIED

Terminal
Printed Copy

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69

E 53

Excerpts from Dorothy Gould Burns' Passport File

FORM DS-322 B
5-1-51

OUTGOING WIROM DRAFTING OFFICE COPY
DEPARTMENT OF STATE

X INFO [illegible] CONFIDENTIAL

SENT TO: Amembassy MEXICO CITY

APR 10 1953

Wires 1574, Apr 8, Dorothy Gould Burns. Passport for period sufficient cover contemplated travel authorized. Instruction follows.

Acting

Williams, Dorothy Gould
MCWilliams mf 4/10/53

E. B. Ripley

CONFIDENTIAL

(10)

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E 54

Excerpts from Dorothy Gould Burns' Passport File

OUTGOING
WIROM

INDICATE: ☐ COLLECT
☒ CHARGE TO INT. PARTY

Department of State

UNCLASSIFIED
Classification

03568

1953 APR 10 PM 7

DC/T

For DC/T use only

SENT TO: Amembassy MEXICO CITY WIROM 1279

29
Origin
PD

Wirom 1594, Apr 8, Dorothy Gould Burns. Renewal for period sufficient cover contemplated travel authorized. Instruction follows.

SMITH
Acting

Y130-Burns, Dorothy Gould

Drafted: PD:CLShotwell:mmf 4/10/53

Telegraphic transmission and classification approved by: R. B. Shipley

Clearances:

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Classification

Corrections made on this original MUST be made on all copies before delivery to Telegraph Branch.

E 55

Excerpts from Dorothy Gould Burns' Passport File

In reply refer to
Y130-Burns, Dorothy Gould

MAY 7 1953

Mr. William L. Matheson,
Care of Patterson, Belknap & Webb,
One Wall Street,
New York 5, New York.

My dear Mr. Matheson:

Reference is made to your letter of April 2, 1953 concerning the case of Dorothy Gould Burns.

On April 10, 1953 the American Embassy at Mexico City, Mexico was authorized by telegram to renew Mrs. Burns' passport to be valid for a sufficient period to enable her to complete her contemplated travel.

Since it has never been definitely established that Mrs. Burns encountered difficulty when she attempted to return to the United States with a valid American passport, and in the light of the statements made in the third paragraph of your letter under acknowledgment, the American Embassy at Mexico City is being requested to endeavor to ascertain from Mrs. Burns the precise nature of the problem which she is experiencing with regard to her documentation when she attempts to leave Mexico and enter the United States. In the meantime, since Mrs. Burns is now in possession of a valid American passport it would appear that she should have no difficulty in entering the United States.

Sincerely yours,

R. B. Shipley,
Director, Passport Office.

PD:JJCurry:ms 4/23/53
5/5/53

(13)

[illegible]

E 56

Excerpts from Dorothy Gould Burns' Passport File

PATTERSON, BELKNAP & WEBB
ONE WALL STREET
NEW YORK 5, N.Y.

CABLE ADDRESS
CURTISITE

CHAUNCEY BELKNAP
VANDERBILT WEBB
RICHARD H. McCANN
JOHN V. DUNCAN
WINDSOR B. PUTNAM
RICHARD G. MOSER
JOHN N. IRWIN, II

May 11, 1953

Miss R. B. Shipley, Director,
Passport Office,
Department of State,
Washington 25, D. C.

Re: Y 130 - Burns, Dorothy Gould

Dear Miss Shipley:

I have your letter of May 7, 1953. I hope some arrangements can be worked out with the Mexican authorities which will permit people in Mrs. Burns' status to travel to the United States and back without any difficulty, and will be glad to help in any way I possibly can.

If she has any further trouble, I shall inform the Department immediately.

Very truly yours,

William L. Matheson

5-7-53 ltr + dnstrct ltr
+ cons to file
Contact 5-13.

RECEIVED
OFFICE OF THE CHIEF
MAY 12 1953
PASSPORT DIVISION

BURNS, DOROTHY GOULD

Air Pouch
PRIORITY

UNCLASSIFIED
(Security Classification)

DO NOT TYPE IN THIS SPACE

FOREIGN SERVICE DESPATCH

FROM : AMEMBASSY, MEXICO, D. F. DESP. NO. 2483

TO : THE DEPARTMENT OF STATE, WASHINGTON. DATE May 29, 1953

REF : Department's Unnumbered Instruction of May 7, 1953

For Dept. Use Only	ACTION	DEPT.
	REC'D	INFO OTHER

SUBJECT: Extension of Passport of Dorothy Gould BURNS.

Passport 249/FS-38236 issued to Dorothy Gould BURNS by the Embassy on March 30, 1951, was extended on May 18, 1953, to be valid to March 29, 1954. In addition to the limitation prohibiting travel in the iron curtain countries, a notation was made showing that the passport is not valid for travel in Mexico. Mrs. Burns desired the extension of her passport to its full period of validity as she plans to make an extended tour of Europe in the near future.

Mrs. Burns' affidavits concerning the difficulty she encountered with her documentation in leaving Mexico and concerning the use of a Mexican passport are attached. The Embassy has heard of no other incident in which the airlines refused to carry a passenger who had valid documentation for both the United States and Mexico.

It appears that Mrs. Burns became naturalized as a Mexican citizen, subsequent to her marriage, since that was the least difficult means available permitting her to remain indefinitely in Mexico. It is now necessary for her to use a valid Mexican passport when entering or leaving Mexico. Since Mrs. Burns at all times holds herself out to be an American and uses the Mexican passport only when entering or leaving Mexico, it is not believed that the use of the passport indicates a lack of loyalty to the United States.

For the Ambassador:

W. K. Ailshie
American Consul General

Enclosures:
Application for Extension of Passport
Two affidavits concerning use of Mexican passport

WDGorham:eds

UNCLASSIFIED

ACTION COPY — DEPARTMENT OF STATE

The action office must return this permanent record copy to INFO files with an endorsement of action taken.

(74)

E 58

Excerpts from Dorothy Gould Burns' Passport File

In reply refer to
Y130-Burns, Dorothy Gould

MAR 31 1953

Mr. William L. Matheson,
Care of Patterson, Belknap & Webb,
One Wall Street,
New York 5, New York.

My dear Mr. Matheson:

Reference is made to your letter of March 18, 1953 concerning the case of Mrs. Dorothy Gould Burns, and to your telephone conversations with the Passport Office.

According to your conversation by telephone on March 19, 1953, Mrs. Burns encountered difficulty with an airline carrier when she attempted to return to the United States, and you stated that you are of the understanding that Mrs. Burns possesses a Mexican passport. You further stated that it was not entirely clear as to what difficulty she had with the carrier. Mrs. Burns desires to have an unlimited passport for the purpose of residing in Mexico, and also to insure that she will not have further difficulty when she visits the United States.

The Department's records shows that Mrs. Dorothy Gould Burns was born in New York on March 24, 1904 of parents who are natives of the United States, that she resided in the United States from birth until 1919 when she took up residence in France and Switzerland where, she resided until 1934 when she proceeded to French Morocco, France and Cuba where she resided until 1941, and that since 1942 she has resided in Mexico. On May 22, 1944 Mrs. Burns was married to Archibald Burns, a national of Mexico. According to the Government of Mexico Mrs. Burns acquired Mexican nationality by reason of her marriage, and she was issued a certificate of Mexican nationality by the Mexican Government on January 2, 1945. The records also show that on August 18, 1952 the American Embassy at Mexico City, Mexico was authorized to extend Mrs. Burns' passport which was issued on March 30, 1951 to be valid for a period of four months as she requested in order to travel to Europe.

While the Department understands that it is not the administrative practice of the Mexican Immigration officials to require nationals of Mexico

(76)

to .

to possess Mexican passports when they depart from Mexico, since Mrs. Burns had a valid American passport it fails to understand why she did not present the latter when she attempted to return to the United States.

Insofar as Mrs. Burns' desire to possess a valid passport merely for residence in Mexico, and also to avoid difficulty when she enters the United States from Mexico is concerned, it has been the long established policy of the Department, since a passport is fundamentally a travel document, that a person who has been residing for many years in the country of which he is also a national is not entitled to unlimited passport facilities for residence therein. The proper document for such a person to possess is a card or certificate of identity and registration as an American citizen which may be obtained by applying to the nearest consular establishment. While it may be true that possession of an American passport may facilitate the entry of an American citizen into the United States from Mexico , such documents are not required at any port of entry on the United States-Mexican border. A card or certificate of identity and registration as an American citizen or any other document tending to establish that the holder is a national of the United States may be used for identification purposes at the border.

If as indicated in your letter of March 18, 1953, you desire to visit the Department to discuss Mrs. Burns' case, there is no specific form of power of attorney required. A letter establishing your attorney-client relationship would suffice.

Sincerely yours,

R. B. Shipley,
Director, Passport Office

FD:JJCurry:jmb 3/31/53

(15)

E 60

Excerpts from Dorothy Gould Burns' Passport File

In reply refer to
Y130-Burns, Dorothy Gould .. MAY 7 1953

Mr. William L. Mathieson,
Care of Patterson, Belknap & Webb,
One Wall Street,
New York 5, New York.

My dear Mr. Mathieson:

Reference is made to your letter of April 2, 1953 concerning the case of Dorothy Gould Burns.

On April 10, 1953 the American Embassy at Mexico City, Mexico was authorized by telegram to renew Mrs. Burns' passport to be valid for a sufficient period to enable her to complete her contemplated travel.

Since it has never been definitely established that Mrs. Burns encountered difficulty when she attempted to return to the United States with a valid American passport, and in the light of the statements made in the third paragraph of your letter under acknowledgment, the American Embassy at Mexico City is being requested to endeavor to ascertain from Mrs. Burns the precise nature of the problem which she is experiencing with regard to her documentation when she attempts to leave Mexico and enter the United States. In the meantime, since Mrs. Burns is now in possession of a valid American passport it would appear that she should have no difficulty in entering the United States.

Sincerely yours,

R. R. Shipley,
Director, Passport Office.

PD:JJCurry:ms 4/23/53
5/5/53

(11)

E 61

Excerpts from Dorothy Gould Burns' Passport File

UNCLASSIFIED MAY 7 1953

To the Officer in Charge of the American Mission,
Mexico City.

The Department refers to your despatch No. 1566 of January 19, 1953 and to its telegram of April 10, 1953 concerning the case of Dorothy Gould Burns.

In view of the information furnished by the Mexican Ministry for Foreign Relations explaining why Mrs. Burns is considered to possess Mexican nationality, the Department is satisfied that she did not lose American citizenship by reason of her acquisition of Mexican nationality which appears to have been acquired merely by operation of Mexican law.

Mrs. Burns' attorney, Mr. William L. Matheson of the law firm, Patterson, Belknap & Webb, of New York, New York has been in communication with the Department concerning the case of Mrs. Burns. According to Mr. Matheson, Mrs. Burns encountered difficulty with an airline carrier when she attempted to return to the United States sometime prior to February 27, 1953, and that he is of the understanding that Mrs. Burns possesses a Mexican passport. Mr. Matheson stated that the latter information is based on hearsay. The Department's file in Mrs. Burns' case does not reflect that she possesses a Mexican passport. However, it was brought out in subsequent conversations with Mr. Matheson that an airline carrier apparently refused to furnish Mrs. Burns with reservations because she possessed both a Mexican passport and an American passport. The following quotation is an excerpt from a communication dated April 2, 1953 from the attorney:

> "When the consul in Mexico City is duly notified of your adjudication concerning Mrs. Burns' citizenship, she will be able to obtain her card of identity, but she will still be unable to leave Mexico except by crossing the border at a border town. This, as I understand it, is due to the fact that the Mexican government will not issue the necessary pass ("inmigrante" or "inmigrado") to leave Mexico to a United States citizen who has simply a card of identity and not a passport. Of course, Mrs. Burns is quite willing to go to the border, but it seems a needless inconvenience."

In order that the Department's file may be completed it is requested that your office endeavor to ascertain from Mrs.

(79)

Burns

Burns the precise nature of the difficulty which she experiences with regard to her documentation when she attempts to leave Mexico and enter the United States. It is also requested that Mrs. Burns be questioned regarding her obtention of a Mexican passport. Your report to the Department should contain comment by the consular officer processing her case regarding the bona fides of Mrs. Burns' complaint. In this connection, and for your confidential information, Mrs. Burns' attorney stated that he believed that she was becoming annoyed by having to have her passport validated from time to time.

A true copy

Y130-Burns, Dorothy Gould

PD:JJCurry:ms 4/23/53
5/5/53

(18)

E 63

Excerpts from Dorothy Gould Burns' Passport File

Department

UNITED MEXICAN STATES
MEXICO, FEDERAL DISTRICT
EMBASSY OF THE UNITED
STATES OF AMERICA
} ss:

Dorothy Gould BURNS, being duly
(Print name) (Nombre, en letras de imprenta) (bajo

sworn, deposes and says:
protesta de decir la verdad, declara lo siguiente):

That in the middle of the month of January of 1953 a Mexican employee of American Airlines in Mexico, one Mr. Horcasitas, refused to allow me to leave Mexico and stated that even though the Mexican Immigration Service passed me, that he would not permit me to leave. He stated that there was a new law in effect by which American Airlines would be fined if they accepted as a passenger a person who was in possession of two passports.

Dorothy Gould Burns

Subscribed and sworn to before me this 18th day of

May, 19 53.

W. D. Corkern
Vice Consul of the United
States of America

Seal

9939

Service No. ~~etc~~
Tariff Item No. ~~238~~
~~Amt.: $ fee~~ ~~U. S. Dollars~~
~~paid by~~ ~~receipt~~.

(80)

MEX-98

E 64

Excerpts from Dorothy Gould Burns' Passport File

Department

UNITED MEXICAN STATES
MEXICO, FEDERAL DISTRICT
EMBASSY OF THE UNITED
STATES OF AMERICA } ss:

Dorothy Gould BURNS, being duly
(Print name) (Nombre, en letras de imprenta) (bajo

sworn, deposes and says:
protesta de decir la verdad, declara lo siguiente):

That I lived in Mexico from 1942 to the present date in Mexico, D. F. That I entered Mexico in 1942 on a Tourist Card. That the provisional passport issued to me in Spain in 1940 had been taken up by the Immigration Service in Miami in 1941.

That I obtained a Mexican passport on January 2, 1945 in Mexico, D. F., Mexico. That I was given a Mexican passport by the Mexican Government because through my marriage to a Mexican citizen, I am considered to be a Mexican citizen under Mexican law.

That I am unable to leave Mexico without being in possession of a Mexican passport. That I make approximately two trips a year to the United States and on each occasion of my leaving Mexico to enter the United States, I am informed by officials of Mexican Immigration that I may not leave Mexico without having a Mexican passport.

Dorothy Gould Burns

Subscribed and sworn to before me this 18th day of

May, 19 53.

D. CORBIN
Vice Consul of the United
States of America

SEAL

Service No. 8820
Tariff Item No. 638
Value: ~~$ 50.00 U. S. Currency~~
~~paid by~~ ~~receipt~~

8

MEX-98

E 65

Excerpts from Dorothy Gould Burns' Passport File

Department of State

Form No. 21?

FOREIGN SERVICE

(Established May 1910—Revised June 1940)

Passport No. 249/FS-18236

Issued on March 30, 1951

At [illegible] Mexico, D. F., Mex.

APPLICATION FOR AMENDMENT OR EXTENSION OF PASSPORT / CERTIFICATE OF IDENTITY AND REGISTRATION

(To be filled out in duplicate)

I, Dorothy Gould BURNS (Name), request that my Passport [illegible] be amended to include my wife, _____ (Name in full), who was born at _____ (Place and State or country), on _____ (Date), to whom I was married on _____ (Date of marriage) at _____ (City, State, or country), and whose photographic likeness is attached.

My wife's maiden name was _____

and she { was not previously married. / was previously married on _____ (Important: Date of each previous marriage must be given)

She was formerly married to _____ (Full name of former husband) on _____ (Date) at _____ (City, State, or country), who was born at _____ (City, State, or country) and the marriage was terminated by { death / divorce } (Cross out one) on _____ (Date).

Her present address is _____ (City) (State) (Country).

My wife's last American passport was obtained from _____ (Insert Washington, or location of office abroad) on _____ (Date) and is submitted herewith for cancellation _____ (Give disposition of passport if it cannot be submitted)

I request that my { Passport / Certificate of Identity and Registration } be amended to include my minor children, as follows: [illegible] photograph or likeness is attached.

_____ (Name in full), born at _____ (Place and State or country) on _____ (Date), resided in the United States from _____ to _____ and is now residing at _____

_____ (Name in full), born at _____ (Place and State or country) on _____ (Date), resided in the United States from _____ to _____ and is now residing at _____

(Attach here sheet giving information, as above, on any additional children to be included in passport)

I { HAVE / have not } been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, or to the case of any other person included in this application, a supplementary statement under oath should be attached and made a part hereof.

A duplicate of the photograph to be affixed to the passport should be pasted here.

Dorothy Gould Burns
(Name of applicant)

Ave. Chapultepec 211, Mexico, D. F.
(Present address)

American consular service at Mexico, D. F., Mex.

I CERTIFY, That the person to whom the above passport was issued appeared before me in person and signed and swore to the above application on the 16th day of July, 19 53

[illegible]
(Title)

American Vice Consul
(Title)

Note.—To be sworn to at office of Consular Officer. (No fee if sworn to before Consular officer)

Applications may be executed by mail if they have sworn to before a local officer designated by American diplomatic or consular officer. In such a case the signature will also be authenticated by such officer, and a fee will be paid to the postal clerk.

(13)

E 66

Excerpts from Dorothy Gould Burns' Passport File

APPLICATION FOR AMENDMENT OR EXTENSION OF {PASSPORT / CERTIFICATE OF IDENTITY AND REGISTRATION} —Continued.

I request that my {passport / certificate of identity and registration} be—

(a) Extended for ____ months. until March 29, 1954

(b) Amended to exclude my (wife) (husband) _____

(minor children) _____

who (is) (are) (not to accompany me) (to apply for separate passport) (residing abroad).

(c) Amended to give description of present bearer (if other than original applicant):

_____ (Name of bearer)

Height _____ Eyes _____ Hair _____

Place of birth _____

Date of birth _____

(d) Amended to read in married name _____

I was married on _____ at _____

to _____

who is {an American citizen. / a citizen of} _____

MARRIAGE CERTIFICATE seen by _____ (Not to be filled in by applicant)

(e) Amended to read _____

CERTIFICATE OF ACTION TAKEN

American Consular Service at Mexico, D. F., Mexic

I hereby certify that the above {passport / certificate of identity and registration} was on May 18, 1953 (Date)

☐ Amended as requested.

☒ Extended for nine months (Insert length of period)

☐ Referred to the Department for consideration and decision.

Authority Telegraphic Instructions dated May 7, 1953 (If specially authorized by letter, instruction, or telegram)

Documentary evidence submitted _____

(Brief description)

[REAL] [NO FEE]

M. D. Corkern (Signature of American Consul) Vice Consul

INSTRUCTIONS

... Department is required, a notation of the action taken, upon the receipt of a reply from the Department, should be transmitted to the Department on a third copy of this form.

E 2

E 67

Excerpts from Dorothy Gould Burns' Passport File

Form 1-N 176
(2 9 53)

Form approved.
Budget Bureau No. 43-R078.4.

REGISTRATION APPROVED
Date .....
Expires .....
..... Consul .....
Place .....

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA
Application for Passport
xApplication for Registration:
(Indicate plainly which is desired)
[FORM FOR NATIVE CITIZEN]

PASSPORT ISSUED
☒ $9.00 collected ☐ No fee collected
(Indicate by X mark)
Date March 15, 1955
No. 155/3560000
Expires March 15, 1957
(Consul)
Place Nice, France

NOT VALID FOR TRAVEL IN USSR

I, Dorothy Gould BURNS (Name in full), a NATIVE citizen of the United States, solemnly swear that

I was born at New York (City or town), New York (State or country)

on March 24 (Date), 1904; that I am now residing at 28 rue des Ponchettes, Nice, (Give present address in full) France;

that I resided continuously in the United States from birth to 1919, at New York, N.Y. (City and State)

and that I have resided outside the United States as follows:

(State name of, and period of residence in, each foreign country; each visit in any foreign country, regardless of duration, must be stated)

France & Switzerland from 1919 to 1934
French Morocco, France & Cuba from 1934 to 1941
~~Mexico~~ (Name of country) from 1942 to 1953
France from June 1953 to date (with visit to US).

My legal residence is at ~~1 Wall Street, New York, N.Y.~~

and I intend to return to the United States to reside permanently, within indefinite (Specify years)

*I was {never married / last married} on May 22, 1944 at Mexico City to Archibald Burns,

who was born at Mexico on cannot say; who {is / is not} an American citizen,

and who is now residing at 411 Avenida Chapultepec, Mexico City, Mexico. Prev. married in Paris, France in May 1925 to Roland de Graffenried, born Thoun, Switzerland.

My father, Frank J. Gould (Name in full), was born at New York (City or town), New York (State or country)

on Dec. 4, 1877 and is now residing at Villa La Vigie, Jean-les-Pins, France.

My mother, Helen Kelly (Maiden name), was born at New York (City or town), New York (State or country)

on cannot say and is now residing at deceased.

(IF EITHER PARENT WAS BORN OUTSIDE THE UNITED STATES, FILL IN THIS PORTION)

on Nov. 27, 1899, divorced about 1936.

My father emigrated to the United States on or about ....., 1....; resided continuously in the United States from 1..... to 1....., at ....., and was naturalized as a citizen of the United States before the ..... (Name of court) Court of .....

at ..... (City and State) on ..... (Month) ..... (Day) ..... (Year).

My mother emigrated to the United States on or about ....., 1....., resided continuously in the United States from 1..... to 1....., at ....., and was naturalized as a citizen of the United States before the ..... (Name of court) Court of .....

at ..... (City and State) on ..... (Month) ..... (Day) ..... (Year)

I request the inclusion of my wife ..... (Name in full);

She acquired citizenship through .....

I request the inclusion of my minor children as follows:

..... (Name in full), born at ..... (Place and State or country) on ..... (Date), 1.....

....., born at ..... on ....., 1.....

....., born at ..... on ....., 1.....

I {have / have not} been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, served in, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military, air, or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States; or departed from or remained outside of the jurisdiction of the United States for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, a supplementary statement under oath should be attached and made a part hereof.

*A woman applicant who has been married more than once should give name and place and date of birth of each husband, date and place of each marriage, and date and place of termination of previous marriage or marriages by death or divorce. This and any other information necessary to clarify the citizenship status of the applicant should be set forth on a separate statement which will be considered a part of this application.

16-27444-6

E 68

Excerpts from Dorothy Gould Burns' Passport File

I solemnly swear that the statements made on pages 1 and 2 are true, and that the photograph attached is a likeness of me.

OATH OF ALLEGIANCE

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

Dorothy Gould Burns
(Signature in full of applicant)

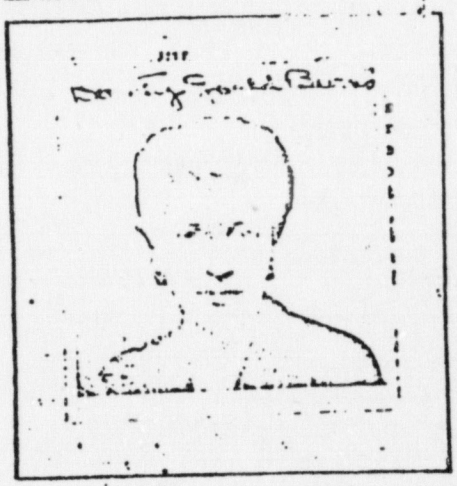
Fee for passport, $9.00.
Fee for administering oath and preparing passport application, $1.00.
No fee for registration.

[SEAL]

Subscribed and sworn to before me this 23rd day of February, 19 55.

Robert D. Murphy
Consul of the United States of America at Paris, France

Service No. ____



DESCRIPTION OF APPLICANT

Height: 5 feet 10 inches.
Hair Auburn Eyes Brown
Distinguishing marks or features None

Place of birth New York, N.Y.
Date of birth March 24, 1904
Occupation Housewife

EVIDENCE OF CITIZENSHIP AND IDENTIFYING DOCUMENTS

Passport No. 249/1330036 issued Mar. 30/51
by the American Embassy at Mexico D.F.Mex
{to applicant, xxx} SUBMITTED.
(State name and relationship)
State disposition of passport Canceled and returned to applicant.
Other evidence of citizenship and identifying documents submitted, as specified below: (Indicate whether sent to the Department, retained in files of office, or returned to applicant.)

The following should be filled in if this application is for a PASSPORT:

Countries to be visited: ____ Purpose of visit: ____
Port of departure: ____ Date of departure: ____
Name of ship: ____ Is the ship of an American line? ____ ("Yes" or "No")

REFERENCES

(Name) (Address)

AFFIDAVIT OF IDENTIFYING WITNESS

I, the undersigned, solemnly swear that I am a citizen of the United States; that I reside at the address written below my signature hereto affixed; that I know the applicant who executed the affidavit hereinbefore set forth to be the person he represents himself to be, and that he is a citizen of the United States; that the statements made in the applicant's affidavit are true to the best of my knowledge and belief; further, I solemnly swear that I have known the applicant personally for ____ years.

(Signature of witness)
(Residence address of witness)

[SEAL]

Subscribed and sworn to before me this ____ day of ____, 1____

If no American citizen is available, an alien known to the consulate may execute the affidavit.

Consul ____ of the United States of America at ____

The applicant requests that the following person be notified in the event of his death or disability:

(Name) (Address)

Additional data: Location of real and personal property, nature and place of investments, location of will, et cetera. (It is entirely optional with the applicant to give this information.)

Registration {approved / disapproved} by the Department of State on ____ (Date)

Certificate of Identity and Registration / Card of Identity and Registration} is issued to the applicant on ____ (Issuing officer)

REMARKS

(87)

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Excerpts from Dorothy Gould Burns' Passport File

APPLICATION FOR AMENDMENT AND EXTENSION OF { PASSPORT / CERTIFICATE OR CARD OF IDENTITY AND REGISTRATION } — Continued.

MARRIAGE CERTIFICATE seen by _____ (Not to be filled in by applicant)

(e) Amended to read "This passport is not valid for travel in Mexico."

I { ~~have~~ / have not } been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, served in, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military, air, or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States; or departed from or remained outside of the jurisdiction of the United States for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, a supplementary statement under oath should be attached and made a part hereof.

A duplicate of the photograph to be affixed to the passport or to the certificate of identity and registration should be pasted here.

Dorothy Gould Burns
(Signature of applicant)

Hotel Vermont, 11bis, rue du Bois de Boulogne, Paris, France
(Foreign address)

American consular service at Paris, France

I CERTIFY that the person to whom the above passport was issued appeared before me in person and signed and swore to the above application on the 18th day of March, 1954.

(Signature)

American Vice Consul
(Title)

NOTE.—To be sworn to at option of Consular Officer. (No fee if sworn to before Consular Officer.)

Applications may be accepted by mail if they have been sworn to before a local officer authorized to administer oaths for general purposes. In such a case the foreign official should fill out, sign, and affix his seal to the jurat above.

CERTIFICATE OF ACTION TAKEN

American Consular Service at Paris, France

I hereby certify that the above { passport / certificate or card of identity and registration } was on March 18, 1954 (Date) ; _____ (Date)

[X] Amended as requested. Referred to the Department for consideration and decision.

[X] Extended for full validity until Mar. 29, 1955. (Insert length of period)

(Signature of American Consul)

[SEAL] [NO FEE]

Authority _____ (If specially authorized by letter, instruction, or telegram)

Documentary evidence submitted See affidavit attached.

(Brief description)

[SEAL] [NO FEE]

(Signature of American Consul)

Vice

INSTRUCTIONS

In cases where specific authorization by the Department is required, a notation of the action taken, upon the receipt of a reply from the Department, should be transmitted to the Department on a third copy of this form.

GPO 16-2157

(85)

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Excerpts from Dorothy Gould Burns' Passport File

REPUBLIC OF FRANCE, CITY OF PARIS
EMBASSY OF THE UNITED STATES OF AMERICA } ss

Before me Edith A. STENSBY Vice Consul of the United States of America, duly commissioned and qualified, personally came Dorothy Gould BURNS

who, being duly sworn, deposes and says that: I was born in New York, New York, on March 24, 1904. I acquired Mexican citizenship through marriage to a Mexican citizen in 1944, and am now in possession of a valid Mexican passport. However, I use this passport only on entering and leaving Mexico; I use my American passport for all other travel.

I arrived in France on June 11, 1953, coming from New York. My father, who is quite ill, lives in Juan-les-Pins, Alpes-Maritimes, France, and I wanted to be near him during his illness. If my father's health permits me to leave him, I plan to go to Spain for the month of May, and for this trip, I shall be in need of a valid passport. I shall return to France to reside with my father, who is still suffering from the effects of two heart attacks that he had last summer. After the death of my father, I shall need to proceed immediately to the United States to take care of his estate there.

In view of these facts, I respectfully request that my passport be extended.

Dorothy Gould Burns
Dorothy Gould Burns
(Signature of affiant)

Subscribed and sworn to before me
this 18th day of March 19 54.

Edith A. Stensby
Vice Consul of the United States of America at Paris, France

(74)

16—49113-1 U. S. GOVERNMENT PRINTING OFFICE

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Excerpts from Dorothy Gould Burns' Passport File

Form FS 170 (3-58) — Form approved. Budget Bureau No. 47-R0178.

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

Application for Passport AND Application for Registration
(Indicate plainly which is desired)

(FORM FOR NATIVE CITIZEN)

REGISTRATION APPROVED
Date March 16, 1959
Expires March 16, 1961
Consul W. W. Wooley
Place Nice, France

PASSPORT ISSUED
(X) $9.00 collected ( ) No fee collected
(Indicate by X mark)
Date March 16, 1959
No. 150365
Expires March 16, 1961
Consul W. W. Wooley
Place Nice, France

NOT VALID FOR TRAVEL IN MEXICO

BURNS Dorothy Gould
(Insert name in FULL when authorized)

I, Dorothy Gould BURNS (Name in full), a NATIVE citizen of the United States, solemnly swear that

I was born at New York (City or town), New York (State or country)

on March 24 (Date), 904; that I am now residing at Hôtel Provençal, Juan-les-Pins, France (Give present address in full)

that I resided continuously in the United States from birth to 1919 at New York, N.Y. (City and State)

and that I have resided outside the United States as follows:

(State name of, and period of residence in, each foreign country; each visit to any foreign country, regardless of duration, must be stated)

France and Switzerland (Name of country)	from	1919	to	1934
~~French Morocco, France and Cuba~~	from	1934	to	1941
Mexico	from	1942	to	1953 to U.S.
France	from	June 1953	to	date (with visit

My legal residence is at 10 Gracie Square, New York City, N.Y. (c/o Mr. Matheson) (Number, street, city, State)

and I intend to return to the United States to reside permanently, within indefinite (Month, year)

*I was {married / last married} on May 22, 1944 at Mexico City to Archibald Burns

who was born at Mexico on cannot say; who {is / is not} an American citizen,

and who is now residing at

Prev.married Paris, May 1925 to Roland de Graffenried, born Thoun, Switz. Nov. 27 1899, div. ap. 1935.

My father, Frank J. Gould (Name in full), was born at New York (City or town), New York (State or country)

Dec. 4. 1877 and is ~~living~~ deceased.

My mother, Helen Kelly (Maiden name), was born at New York (City or town), New York (State or country)

on cannot say and is ~~living~~ deceased.

(IF EITHER PARENT WAS BORN OUTSIDE THE UNITED STATES, FILL IN THIS PORTION)

My father emigrated to the United States on or about ____, 1____; resided continuously in the United States from 1____ to 1____, at ____, and was naturalized as a citizen of the United States before the ____ (Name of court) Court of ____ at ____ (City and State) on ____ (Month) ____ (Day) 1____ (Year).

My mother emigrated to the United States on or about ____, 1____, resided continuously in the United States from 1____ to 1____, at ____, and was naturalized as a citizen of the United States before the ____ (Name of court) Court of ____ at ____ (City and State) on ____ (Month) ____ (Day) 1____ (Year).

I request the inclusion of my wife ____ (Name in full)

She acquired citizenship through ____

I request the inclusion of my minor children as follows:

____ (Name in full), born at ____ (Place and State or country) on ____ (Date), 1____

____, born at ____ on ____, 1____

____, born at ____ on ____, 1____

I {XXXX / have not} been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, served in, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military, air, or naval service of the United States in time of war, or of committing any act of treason, treason or of attempting by force to overthrow, or of bearing arms against the United States; or departed from or remained outside of the jurisdiction of the United States for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, a supplementary statement under oath should be attached and made a part hereof.

*A married applicant who has been married to one then living should give name and place and date of birth of [illegible] and any other information necessary to show, the citizenship status of the latter should be set forth on a separate affidavit which will be considered a part of this application.

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Excerpts from Dorothy Gould Burns' Passport File

I solemnly swear that the statements on pages 1 and 2 are true, and that the photograph affixed hereto is a likeness of me.

OATH OF ALLEGIANCE

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

Dorothy Gould Burns
(Full name of applicant)

Fee for passport, $9.00.
Fee for administering oath and preparing passport application, $1.00.
No fee for registration.

[SEAL]

SUBSCRIBED AND SWORN to before me this 16th day of March, 1959.

Affix consular case docket fee stamp here.

J. Glenn Thomas
C. Thomas Scantlin
Vice Consul of the United States at Nice, France

Service No. 155



DESCRIPTION OF APPLICANT

Height: 5 feet 10 inches.
Hair Auburn Eyes Brown
Distinguishing marks or features None

Place of birth New York, N.Y.
Date of birth March 24, 1904
Occupation Housewife

EVIDENCE OF CITIZENSHIP AND IDENTIFYING DOCUMENTS

Passport No. 145/FS80050 issued on Mar.15/55
by the American Consulate at Nice, France
{to applicant, / ~~to~~ } SUBMITTED.
(State name and relationship)
State disposition of passport ~~canceled and returned to~~ applicant.
Other evidence of citizenship and identifying documents submitted, as specified below: (Indicate whether sent to the Department, retained in files of office, or returned to applicant.)

The following should be filled in if this application is for a PASSPORT:

Countries to be visited: Purpose of visit:
Port of departure: Date of departure:
Name of ship: Is the ship of an American line? ("Yes" or "No")

Paid: Nice, France, Date MAR 16 1959
Service Fee No.
Fee Paid: U.S. $ 4.00
Local Currency Equivalent: 400 fr.

REFERENCES

(Name) (Address)

AFFIDAVIT OF IDENTIFYING WITNESS

I, the undersigned, solemnly swear that I am a citizen of the United States; that I reside at the address written below my signature hereto affixed; that I know the applicant who executed the affidavit hereinbefore set forth to be the person he represents himself to be, and that he is a citizen of the United States; that the statements made in the applicant's affidavit are true to the best of my knowledge and belief; further, I solemnly swear that I have known the applicant personally for _____ years.

(Signature of witness)
(Residence address of witness)

[SEAL]

SUBSCRIBED AND SWORN to before me this _____ day of _____, 1_____

If no American citizen is available, an alien known to the consulate may execute the affidavit.

Consul _____ of the United States of America at _____

The applicant requests that the following person be notified in the event of his death or disability:
Mr. William Matheson, lawyer, 10 Gracie Square, New York, N.Y. who has my will.
(Name) (Address)

Additional data: Location of real and personal property, nature and place of investments, location of will, et cetera. (It is entirely optional with the applicant to give this information.)

Registration {approved / disapproved} by the Department of State on _____ (Date)

Certificate of Identity and Registration / Card of Identity and Registration issued to the applicant on _____ (Signature of consular officer)

The Department does not assume that the consular officer forwarding the application to the Department for authentication has made an investigation in addition to that customarily made by a notary, unless a statement to this effect appears hereunder.

REMARKS

(92)

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Excerpts from Dorothy Gould Burns' Passport File

Form FS-299
(Revised November 1953)

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

Form approved
Budget Bureau No. 47-R117.1

APPLICATION FOR RENEWAL OF PASSPORT

CAUTION.—Extension of expressly limited passports must be applied for on Form 219

In conformity with the rules and regulations prescribed by the President and the Secretary of State pursuant to law, I, the undersigned, hereby apply for a renewal of the period of validity of my passport, the number and date of which appear herein.

☒ $5 FEE COLLECTED
☐ NO FEE COLLECTED
(Indicate by X mark)

RENEWAL SERIES No. 99
Passport No. 145
Passport Serial No. FS80050
Issued on Mar.15.1955 (Date) *at* Nice, France (Place)

I, Dorothy Gould Burns (Name), born at New York, New York (City, country) on Mar.24.1904 (Date),

a native American citizen, do hereby apply for the renewal of my passport.

I was naturalized as a citizen of the United States before the _____ (Name of court)

Court of _____ at _____ (City and State)

on _____ (Month) _____ (Day), 19__ (Year)

I was married on May 22, 1944 (To be filled in by women only)

My husband is an alien, a citizen of Mexico. (Name of country)

My legal residence is c/o Chase National Bank, 45 St.& Madison Ave, New York, N.Y. (Street address) (City) (State)

I represent the _____ (Name of person or organization)

BURNS (Family name) Dorothy (Given name) Gould (Middle name)

The part in this block is to be filled in by all persons who have acquired citizenship through naturalization.

Since my present passport was issued, I have resided outside the United States at the following places for the periods* stated:

_____ from _____ to _____

_____ from _____ to _____

The purposes of my visits to the foregoing countries were:

_____ (Give reason or reasons for stay in each country named)

_____

*Indicate month, day and year

I have not been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in, the armed forces of a foreign state; accepted, served in, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military, air, or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States; or departed from or remained outside the jurisdiction of the United States for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, or to the case of any other person included in this application, a supplementary statement under oath should be attached and made a part hereof.

Dorothy Gould Burns
Dorothy Gould Burns
(Signature of applicant)

28 rue Cas. Ponchettes Nice, France
(Foreign address)

I CERTIFY that the person to whom the above passport was issued appeared before me in person and swore to and signed the above application on the Twenty Ninth day of April 1957.

Louis E. Thompson
American Consul
Nice, France
(City)

[SEAL]

(91)

(OVER)

(Revenue stamps)

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Excerpts from Dorothy Gould Burns' Passport File

Form FS-299
(Revised November 1953)

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

Form approved
Budget Bureau No. 47-R117.1

APPLICATION FOR RENEWAL OF PASSPORT

CAUTION.—Extension of expressly limited passports must be applied for on Form 219

In conformity with the rules and regulations prescribed by the President and the Secretary of State pursuant to law, I, the undersigned, hereby apply for a renewal of the period of validity of my passport, the number and date of which appear herein.

(X) $5 FEE COLLECTED
( ) NO FEE COLLECTED
(Indicate by X mark)

RENEWAL SERIES No. .....
Passport No. 150365
Passport Serial No. .....
Issued on March 16, 1959 (Date) at Nice, France (Place)

I, Dorothy Gould BURNS (Name), born at New York, N.Y. (City, country) on March 24, 1904 (Date)

a {naturalized / native} American citizen, do hereby apply for the renewal of my passport.

I was naturalized as a citizen of the United States before the ..... (Name of court)

Court of ..... at ..... (City and State)

on ..... (Month) ..... (Day), 19.... (Year)

I was {married / married but} May 22, 1944 (To be filled in by women only)

My husband is {naturalized / a native / an alien}, a citizen of Mexico (Name of country) American citizen

My legal residence is c/o Mr. Matheson, 10 Gracie Square, New York City, N.Y. (Street address) (City) (State)

I represent the ..... (Name of person or organization)

The part in this block is to be filled in by all persons who have acquired citizenship through naturalization.

Since my present passport was issued, I have resided outside the United States at the following places for the periods* stated:

..... from ..... to .....

..... from ..... to .....

The purposes of my visits to the foregoing countries were:

..... (Give reason or reasons for stay in each country named)

*Indicate month, day and year

I {have / have not} been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in, the armed forces of a foreign state; accepted, served in, or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military, air, or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States; or departed from or remained outside the jurisdiction of the United States for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States.

If any of the above-mentioned acts or conditions are applicable to the applicant's case, or to the case of any other person mentioned in this application, a supplementary statement under oath should be attached and made a part hereof.

..... (Signature of applicant)

Hôtel Provençal, ... (Permanent address)

I CERTIFY that the person to whom the above passport was issued appeared before me in person and signed the above application on the 24th day of January

..... (Signature)

Frederick [illegible]

American Vice Consul (Title)

..... (Place, country)

[SEAL]

95

BURNS, Dorothy Gould (name of applicant)

E 75

Excerpts from Dorothy Gould Burns' Passport File

Ppt. not valid for travel or residence in Mexico

FORM FS-175 — APPROVED BUDGET BUREAU NO. 47-R015.6

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

APPLICATION FOR [X] PASSPORT [X] REGISTRATION

If additional space is needed for any item a supplemental sheet should be used and attached.

POST: Nice, France

☐ REFERRED TO DEPARTMENT FOR ACTION

PASSPORT ISSUED — REGISTRATION
NO. Z2222[illegible]7. — DATE Mar.27.1963
DATE Mar. 7.1963 — EXPIRES Mar.26.1966
EXPIRES Mar.26,1966 — CARD OF IDENT. & REG. NO. ____ DATE ____

$ 9 FEE COLLECTED ☐ NO FEE COLLECTED

PART I - TO BE COMPLETED BY ALL APPLICANTS

(Please print name in full. Strike out item in parentheses which does not apply)
(First name) (Middle name) (Last name)

I Dorothy Gould BURNS, a citizen of the United States (by birth) (through naturalization), do hereby apply for (a passport) (registration).

DESCRIPTION OF APPLICANT

DATE OF BIRTH (MONTH) (DAY) (YEAR)	PLACE OF BIRTH		
March 24,1904	New York, N.Y.		
HEIGHT 5 ft. 10 in.	HAIR Auburn	EYES Brown	

VISIBLE DISTINGUISHING MARKS: none

OCCUPATION: Housewife

MY LAST PASSPORT WAS OBTAINED FROM:
(Note: If included in another's passport, state name of bearer)

LOCATION OF ISSUING OFFICE	DATE OF ISSUANCE
Nice, France	March 16, 1959

NUMBER: 150365
[X] SUBMITTED HEREWITH
☐ OTHER DISPOSITION (STATE)

MY LAST REGISTRATION AS A CITIZEN OF THE UNITED STATES WAS APPROVED

LOCATION OF REGISTERING OFFICE	DATE OF REGISTRATION
Nice, France	Jan.24.1961

NOW RESIDING AT: Hotel Provencal, Juan-les-Pins, A.M. France

PERMANENT RESIDENCE (Street address, City, State) (If same as above, write "Same"): Same and U.S. residence 30 Sutton Place, New York, N.Y.

IN THE EVENT OF DEATH OR ACCIDENT NOTIFY (Name in Full, Relationship, Street address, City, State): Madame D. Jugé, Carpe Diem, Avenue Garcin, Cassis, Bouches-du-Rhône, France
Daughter

I HAVE BEEN ABSENT FROM THE U.S. DURING THE PAST 5 YEARS AT THE FOLLOWING PLACES FOR THE PERIODS STATED
(List absences of more than 3 months' duration)

PLACE	FROM (MONTH, DAY, YEAR)	TO (MONTH, DAY, YEAR)
France (with visits to U.S.)	June 1953	to date

PERSONS TO BE INCLUDED IN (PASSPORT) (REGISTRATION)

(This section to be completed if wife or husband is to be included. Include photographs if witnesses in group photo)

(WIFE'S) (HUSBAND'S) FULL LEGAL NAME

(WIFE'S) (HUSBAND'S) LAST U.S. PASSPORT WAS OBTAINED FROM:

LOCATION OF ISSUING OFFICE	DATE OF ISSUANCE	NUMBER: ☐ SUBMITTED HEREWITH ☐ OTHER DISPOSITION (STATE)

(This section to be completed if children are to be included. Include photographs if witnesses in group photo)

NAME IN FULL	PLACE OF BIRTH (CITY, STATE)	DATE OF BIRTH	RESIDED IN U.S. FROM	TO

TO BE PRINTED IN FULL (First name) Dorothy (Middle name) Gould (Last name) BURNS (Suffix)

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Excerpts from Dorothy Gould Burns' Passport File

FORM FS-176 (PART I - Continued) PAGE 2

FATHER'S NAME: Frank J. Gould	FATHER'S PLACE OF BIRTH: New York N.Y.	XX U.S. CITIZEN ☐ NOT U.S. CITIZEN
FATHER'S DATE OF BIRTH: Dec. 4, 1877	XX FATHER DECEASED ☐ FATHER RESIDING AT	FATHER RESIDED IN U.S. FROM Birth TO 1913
MOTHER'S NAME: Helen Kelly,	MOTHER'S PLACE OF BIRTH: New York, N.Y.	XX U.S. CITIZEN ☐ NOT U.S. CITIZEN
MOTHER'S DATE OF BIRTH: unknown	XX MOTHER DECEASED ☐ MOTHER RESIDING AT	MOTHER RESIDED IN U.S. FROM Birth TO 1919
☐ I WAS NEVER MARRIED XX I WAS LAST MARRIED ON: DATE OF MARRIAGE: May 22, 1944	PRESENT FULL LEGAL NAME OF HUSBAND OR WIFE: Archibald Burns,	
HUSBAND'S OR WIFE'S PLACE OF BIRTH: Mexico	HUSBAND'S OR WIFE'S DATE OF BIRTH: unknown	
☐ HUSBAND OR WIFE IS U.S. CITIZEN XX HUSBAND OR WIFE IS NOT U.S. CITIZEN	HUSBAND OR WIFE NOW RESIDING AT	
XX MARRIAGE NOT TERMINATED ☐ MARRIAGE TERMINATED BY (DEATH) (DIVORCE) ON	DATE	

PROPOSED TRAVEL PLANS

I INTEND TO RETURN TO THE UNITED STATES PERMANENTLY TO RESIDE WITHIN: Indefinite _____ YEARS _____ MONTHS

I INTEND TO CONTINUE TO RESIDE ABROAD FOR THE FOLLOWING PERIOD: Indefinite

(If returning to United States complete the following)

PORT OF DEPARTURE: -

NAME OF SHIP OR AIRLINE: -

DATE OF DEPARTURE: -



I have not (and my wife and/or my children have not), since acquiring U[illegible] or as citizens of a foreign state; taken an oath or made an affirmation or other [illegible]ration of allegiance to a foreign state; entered or served in the armed services of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; ever sought or claimed the benefits of any foreign state; been convicted by a court of competent jurisdiction of committing or of conspiring to commit any act of treason against, or of attempting by force to overthrow, or of bearing arms against the United States, or departed from or remained outside of the jurisdiction of the United States for the purpose of evading or avoiding training and service in the armed services of the United States.

If any of the above-mentioned acts or conditions have been performed by or apply to the applicant, or to his wife or his children (when included in this application), the portion which applies should be struck out, and a supplementary explanatory statement under oath by the person to whom the portion is applicable should be attached and made a part hereof.

I solemnly swear that the statements made on all the pages of this application are true and that the photograph attached is a likeness of me and of those people to be included in my passport.

OATH OF ALLEGIANCE

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservations, or purpose of evasion: So help me God.

Dorothy Gould Burns
(To be signed by Applicant in presence of person administering oath)

Subscribed and sworn to before me this 27th day of March, 19 63

(SEAL)

George A. Furness Jr.
Vice Consul of the United States at Nice, France

(The Department will assume that the consular officer, forwarding the application for the Department's decision, is fully satisfied as to the applicant's identity unless a notation to the contrary appears hereunder.)

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Excerpts from Dorothy Gould Burns' Passport File

FORM APPROVED BUDGET BUREAU NO. 47-R117.5

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

APPLICATION FOR
☒ RENEWAL ☐ AMENDMENT ☐ EXTENSION
OF
☒ PASSPORT ☐ CARD OF IDENTITY
☒ REGISTRATION ☐ CERTIFICATE OF IDENTITY

Document No. Z222227 Date Issued Mar.27.1963

POST [illegible], France
☐ REFERRED TO DEPARTMENT FOR ACTION
☒ RENEWED [illegible] TO March 26, 1968
☐ AMENDED AS REQUESTED
$ X FEE COLLECTED
☐ NO FEE COLLECTED

(PLEASE PRINT NAME IN FULL) (FIRST NAME) Dorothy (MIDDLE NAME) Gould (LAST NAME) BURNS

I, Dorothy Gould BURNS, a citizen of the United States, do hereby apply for the service indicated above. (If amendment, set forth details on REVERSE.)

BURNS (LAST NAME) Dorothy (FIRST NAME) Gould (MIDDLE NAME) TO BE PRINTED IN FULL

DATE OF BIRTH (Month, day, year)	PLACE OF BIRTH
March 24, 1904	New York, N.Y.

NOW RESIDING AT
Hôtel Provençal, Juan-les-Pins, A.M., France

UNITED STATES RESIDENCE (Street address, city, county, state)
30 Sutton Place, New York, N.Y.

IN THE EVENT OF DEATH OR ACCIDENT NOTIFY (Name in full, relationship, street address, city, state)
Madame D. Jugé, daughter, Carpe Diem, Av.Garcin, Cassis, B.du R., Fra

HAVE YOU EVER BEEN REFUSED A PASSPORT OR REGISTRATION AS A CITIZEN OF THE UNITED STATES?
IF THE ANSWER IS YES, EXPLAIN WHEN AND WHY

NO

PROPOSED TRAVEL PLANS	IF RETURNING TO U. S. COMPLETE THE FOLLOWING
I INTEND TO RETURN TO THE UNITED STATES PERMANENTLY TO RESIDE WITHIN indefinite ____ YEARS ____ MONTHS	POST OF DEPARTURE --
I INTEND TO CONTINUE TO RESIDE ABROAD FOR THE FOLLOWING PERIOD AND PURPOSE indefinite residence	NAME OF SHIP OR AIRLINE --
	DATE OF DEPARTURE --

I have not (and no other person included or to be included in the passport or documentation has), since acquiring United States citizenship, been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; ever sought or claimed the benefits of the nationality of any foreign state; or been convicted by a court or court martial of competent jurisdiction of committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, or conspiring to overthrow, put down or to destroy by force, the Government of the United States.

(If any of the above-mentioned acts or conditions have been performed by or apply to the applicant, or to any other person included in the passport or documentation, the portion which applies should be struck out, and a supplementary explanatory statement under oath (or affirmation) by the person to whom the portion is applicable should be attached and made a part of this application.)

Dorothy Gould Burns
(To be signed by Applicant)

Subscribed and Sworn to(affirmed) before me this 8th day of December, 19 65

(SEAL) [illegible] Consular Assistant

Vice Consul of the United States at [illegible] Nice, France

(The Department will assume that the consular officer, forwarding the application for the Department's decision, is fully satisfied as to the applicant's identity unless a notation to the contrary is made.)

FORM FS-299
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Excerpts from Dorothy Gould Burns' Passport File

FORM APPROVED

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

APPLICATION FOR [X] PASSPORT [X] REGISTRATION

POST: Nice, 102
[ ] REFERRED TO DEPARTMENT FOR ACTION
PASSPORT ISSUED: NO. 2757612 DATE Feb. 28. 1968 EXPIRES Feb. 27 1971
REGISTRATION: DATE Feb. 28. 1968 EXPIRES Feb. 27 1971 (CARD/CERT.) OF IDENT. & REG.
[X] $1 APPLICATION FEE COLLECTED
[X] $9 FEE COLLECTED
[ ] NO FEE PASSPORT
NO. _____ DATE _____
[ ] $1 FEE COLLECTED (FOR CARD OR CERT.)

PART I - TO BE COMPLETED BY ALL APPLICANTS

(Please print name in full. Strike out item in parentheses which does not apply)
(First name) (Middle name) (Last name)

I, Dorothy Gould BURNS, a citizen of the United States, do hereby apply for (a passport) (registration).

DESCRIPTION OF APPLICANT

DATE OF BIRTH (MONTH) (DAY) (YEAR)	PLACE OF BIRTH		
March 24, 1904	New York, N.Y.		
HEIGHT	HAIR	EYES	
5 FT. 10 IN.	Auburn	brown	

VISIBLE DISTINGUISHING MARKS: None

MY LAST PASSPORT WAS OBTAINED FROM:
(Note: If included in another's passport, state name of bearer)

LOCATION OF ISSUING OFFICE	DATE OF ISSUANCE
Nice, France	Mar. 27. 1963

NUMBER: Z222227 BEARER: as above
[ ] SUBMITTED HEREWITH
[X] OTHER DISPOSITION (STATE) canc. & ret.

MY LAST REGISTRATION AS A CITIZEN OF THE UNITED STATES WAS APPROVED

OCCUPATION	SOCIAL SECURITY NO.	LOCATION OF REGISTERING OFFICE	DATE OF REGISTRATION
Housewife	074 38 5904	Nice, France	Dec. 8. 1965

NOW RESIDING AT: Hôtel Provençal, Juan-les-Pins, A.M., France

PERMANENT RESIDENCE (Street address, City, State) (If same as above, write "Same"): 30 Sutton Place, New York, N.Y.
COUNTY OF RESIDENCE:

IN THE EVENT OF DEATH OR ACCIDENT NOTIFY (Name in Full, Relationship, Street address, City, State): Mrs. Carles Riverzoll, 47 Milo, Mexico City, Mexico, daughter

HAVE YOU EVER BEEN REFUSED A PASSPORT OR REGISTRATION AS A CITIZEN OF THE UNITED STATES? IF THE ANSWER IS YES, EXPLAIN WHEN AND WHY
no

PERSONS TO BE INCLUDED IN (PASSPORT) (REGISTRATION)
(This section to be completed if wife or husband is to be included. Include photographic likenesses in group photo)

(WIFE'S) (HUSBAND'S) FULL LEGAL NAME

(WIFE'S) (HUSBAND'S) LAST U.S. PASSPORT WAS OBTAINED FROM:

LOCATION OF ISSUING OFFICE	DATE OF ISSUANCE	NUMBER: [ ] SUBMITTED HEREWITH [ ] OTHER DISPOSITION (STATE)

(This section to be completed if children are to be included. Include photographic likenesses in group photo)

NAME IN FULL	PLACE OF BIRTH (CITY, STATE)	DATE OF BIRTH	RESIDED IN U.S. FROM TO

FORM FS-176 (7-61)

If additional space is needed for any item a supplemental sheet should be used and attached.

BURNS (Last name) Dorothy (First name) Gould (Middle name) TO BE PRINTED IN FULL

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Excerpts from Dorothy Gould Burns' Passport File

FORM FS-170 ? 48 (PART I - Continued) PAGE 2

FATHER'S NAME: Frank Jay Gould	FATHER'S PLACE OF BIRTH: New York, N.Y.	☒ U.S. CITIZEN ☐ NOT U.S. CITIZEN
FATHER'S DATE OF BIRTH: Dec. 4. 1877	☒ FATHER DECEASED ☐ FATHER RESIDING AT	FATHER RESIDED IN U.S. FROM Birth TO 1913
MOTHER'S MAIDEN NAME: Helen Kelly	MOTHER'S PLACE OF BIRTH: New York, N.Y.	☒ U.S. CITIZEN ☐ NOT U.S. CITIZEN
MOTHER'S DATE OF BIRTH: unknown	☒ MOTHER DECEASED ☐ MOTHER RESIDING AT	MOTHER RESIDED IN U.S. FROM birth TO 1919
☐ I WAS NEVER MARRIED ☒ I WAS LAST MARRIED ON: DATE OF MARRIAGE May 22, 1944	PRESENT FULL LEGAL NAME OF HUSBAND OR WIFE: Archibald Burns	
HUSBAND'S OR WIFE'S PLACE OF BIRTH: Mexico City, Mexico	HUSBAND'S OR WIFE'S DATE OF BIRTH:	
☐ HUSBAND OR WIFE IS U.S. CITIZEN ☒ HUSBAND OR WIFE IS NOT U.S. CITIZEN	HUSBAND OR WIFE NOW RESIDING AT: separated	
☐ MARRIAGE NOT TERMINATED ☒ MARRIAGE TERMINATED BY (DEATH) (DIVORCE) ON	DATE	

Dorothy Gould Burns

PROPOSED TRAVEL PLANS

I INTEND TO RETURN TO THE UNITED STATES PERMANENTLY TO RESIDE WITHIN: indefinite ____ YEARS ____ MONTHS

I INTEND TO CONTINUE TO RESIDE ABROAD FOR THE FOLLOWING PERIOD: --



(If returning to United States complete the following)

PORT OF DEPARTURE: --

NAME OF SHIP OR AIRLINE:

DATE OF DEPARTURE:

I have not (and no other person included in the application has), since acquiring [illegible] citizenship, been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; ever sought or claimed the benefits of the nationality of any foreign state; or been convicted by a court or court martial of competent jurisdiction of committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, or conspiring to overthrow, put down or to destroy by force, the Government of the United States.

(If any of the above-mentioned acts or conditions have been performed by or apply to the applicant, or to any other person to be included in the passport, the portion which applies should be struck out, and a supplementary explanatory statement under oath (or affirmation) by the person to whom the portion is applicable should be attached and made a part of this application.)

I solemnly swear (or affirm) that the statements made on all the pages of this application are true and that the photograph attached is a likeness of me and of those persons to be included in the passport.

OATH OF ALLEGIANCE

Further, I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservations, or purpose of evasion. So help me God.

Dorothy Gould Burns.

(To be signed by Applicant in presence of person administering oath)

Subscribed and sworn to (affirmed) before me this 28th day of February, 19 48

(SEAL)

George [illegible] Caldwell

Consul General of the United States at Nice, France

(The Department will assume that the consular officer, forwarding the application for the Department's decision, is fully satisfied as to the applicant's identity, unless a contrary opinion is expressed.)

Note: False statements made knowingly and willfully in passport applications or in affidavits or other documents submitted therewith are punishable by fine and or imprisonment under the provisions of 18 USC 1001 and/or 18 USC 1542. 18 USC 1543 provides for a fine and/or imprisonment for the alteration or mutilation of a passport issued pursuant to this application. 18 USC 1544 provides for a fine and/or imprisonment for the use of a passport in violation of the restrictions therein.

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Excerpts from Dorothy Gould Burns' Passport File

Ppt. No.249/PS33236 - Mexico, D.F., March 30, 1951 to Oct.1.1951

Aug.28.1951 - Ppt. ~~xxxxxx~~ extended for six months.

Ppt. ext.by Dept.on Mar.28.1952 to Nov.30.1952 ext. at Mexico on Jan.25.1953 to Mar.20.1953 "May not be renewed without authorization of the Dept.of State", renewed Mexico Apr/14.19 1953 to June 29,1953, ext. May 19,1953 to Mar.29.1954 "not valid for travel in Mexico, ext. Paris Mar.18.1954 to Mar.29.1955,"not valid for travel in Mexico".

Mar.15.1955 - Ppt.No.145/PS20050 is. 2 years' Av. not valid for travel ~~xxxxxx~~ Mexico

BURNS, Dorothy Gould Aug.28.1951

~~Hon Amal~~ Feb.23.1955

~~Juan-les-Pins~~ Hotel Provencal, ~~22 rue des Pondchettes, Nice-Juan-les-Pins~~ and Villa Lou Paradou, Av.de la Salis/

Born New York, N.Y., March 24, 1904.
Sailing to the U.S. in October 1951
(friend of Mr. Bates)
Here for indefinite period to the near father, Mr. Frank J. Gould.
Owns house at above address.

DIED on July 5, 1969 at ANTIBES, "Le Penthouse" Av.St.Barthélemy.

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Excerpts from Dorothy Gould Burns' Passport File

In reply refer to:
PPT/FNS - BURNS, Dorothy Gould Burns

JUN 22 1971

Mr. Charles M. Wilcox
Associate Chief, Appellate Branch Office
North-Atlantic Region, Internal Revenue Service
P.O. Box 2454
Church St. Station
New York, N.Y. 10008

Dear Mr. Wilcox:

Reference is made to your letter of May 11, 1971 concerning the citizenship status of Mrs. Dorothy Gould Burns, deceased.

Our record shows that Mrs. Burns acquired United States citizenship by birth in New York City on March 24, 1904.

Mrs. Burns' marriage on May 5, 1925 to Baron de Graffenreid, a Swiss citizen, did not cause her to lose citizenship. Section 3, Act of September 22, 1922, provided that an American woman would not be expatriated by marriage to an alien unless he was ineligible to citizenship or she made a formal renunciation of citizenship before a naturalization court. There is no showing that she became expatriated under those provisions, which were repealed by the Act of March 3, 1931.

In 1953, it was determined that when she was married on May 24, 1944 to Archibald Burns, a Mexican, she acquired Mexican citizenship by operation of Mexican law. She did not, however, lose United States citizenship.

Between September 22, 1922 and January 1, 1950, American women did not become expatriated by acquisition of Mexican citizenship upon marriage to a Mexican. Also, they did not expatriate themselves by making a declaration of allegiance to Mexico and renouncing former nationality administratively to obtain a Certificate of Mexican Citizenship. These oaths and declarations were not sanctioned by Mexican regulations until January 1, 1950. Oaths taken subsequently are considered meaningful and expatriating.

This office was not aware of Exhibit A or any other oath of allegiance taken by Mrs. Burns in connection with her Mexican naturalization. In previous cases of similar oaths taken by American women, the Mexican Foreign Ministry has stated that prior to 1950 any such oath was unnecessary and not prescribed by Mexican law. Consequently, we do not believe it will be necessary to request an advisory opinion from the Mexican authorities concerning Exhibit A, unless such an opinion is indispensable in this case.

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Excerpts from Dorothy Gould Burns' Passport File

The file of Mrs. Burns termed Exhibit B, is complete insofar as all documents relevant to her citizenship status are concerned. The words "operation of law" questioned in your letter are on the original document and were placed there during the 1953 citizenship determination.

After Mrs. Burns' Mexican naturalization, she continued to hold herself out as a United States citizen. Since it was determined in 1953 that she was not expatriated, further passport services were extended to her. Shortly before her death, she received a United States passport at Nice, France on February 28, 1968.

It is the opinion of this office that Mrs. Dorothy Gould Burns was a United States citizen when she died on July 5, 1969.

I hope the foregoing information is responsive to the questions posed in your letter.

Sincerely,

FGK(for)

Frances G. Knight
Director
Passport Office

Enclosure: Returned
Exhibit A
Exhibit B

PPT/FNS:CADiPlacido:jmp 6/17/71

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Excerpts from Dorothy Gould Burns' Passport File

STATES GOVERNMENT

Memorandum

TO : PT/P - Mr. Rando DATE: March 31, 1972

FROM : PT/PNS - F.W. Brewster

SUBJECT: Case of Dorothy Gould BURNS, deceased

Reason for this memorandum:
Letter from Regional Commissioner, Internal Revenue Service, North-Atlantic Region, New York, N.Y., dated March 28, 1972

Action Requested:
IRS requests the State Department to obtain an advisory opinion from the Mexican Government regarding the U.S. citizenship status of the late Mrs. Burns after she took an oath of allegiance to the Republic of Mexico on December 21, 1944.

Background:
By letter dated May 11, 1971, IRS requested comments of the Passport Office in view of documentary evidence furnished by the attorneys for the claimant of the estate of Mrs. Burns. The claimant is the Executor in the United States Mr. William L. Matheson, Room 4701, 277 Park Avenue, New York, N.Y. The law firm representing Mr. Matheson is that of Patterson, Belknap & Webb, One Wall Street, New York. Mr. Herbert H. Chaice is the member of the firm who is handling the case.

Mrs. Burns died on July 5, 1969 leaving a gross estate in excess of $5,000,000. The Executor is claiming that Mrs. Burns died as a non-resident alien with less than 10% of her estate subject to U.S. estate tax. If, however, it should be held that Mrs. Burns was a U.S. citizen when she died, the resulting estate tax deficiency could exceed $2, 000,000.

Facts:
Mrs. Burns was born Dorothy Gould on March 24, 1904 in New York, N.Y. Her father was Frank Jay Gould, born in New York City on December 4, 1877, and her mother was Helen Kelly, born on January 4, 1883 in New York City. The deceased went abroad in 1919, living in Switzerland until 1924, and in France from 1924 to 1940. She married Mr. Roland de Graffenreid de Villars, a Swiss national, on May 5, 1925. This marriage ended in a divorce in about May 1936.

Due to the outbreak of war in Europe, the deceased obtained a U.S. passport on October 30, 1940 at Madrid, Spain, for the ostensible purpose of returning to the United States. A notation in her file dated August 23, 1941, contains the following remarks:

"American citizenship seems to be of little concern to her. Associates with pro-Nazi sympathizers. Refer any application to Fraud Section."

The deceased moved to Mexico in 1942 and on May 24, 1944 she married Mr. Archibald Burns. He was born in Mexico in 1888. In one application Mrs.

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Excerpts from Dorothy Gould Burns' Passport File

Burns stated she lived in Mexico because her husband had his business there. She maintained, however, that she still maintained her ties with all of her relatives in the United States, and through her father's estate. She also indicated that she took one trip to the United States every year.

On March 30, 1951 Mrs. Burns was issued a U.S. passport at Mexico City. Her application for an extension, dated January 26, 1953, caused an inquiry by the Department to the Mexican Government concerning her Mexican nationality status. The reply from the Mexican Government was to the effect that she acquired Mexican nationality by operation of Mexican law since she married a Mexican national on May 24, 1944. Her extension application was approved to be valid to cover her intended travel. Mrs. Burns admitted in an affidavit dated March 18, 1954 that she also possessed a valid Mexican passport which she used only on entering and leaving Mexico. She claimed she used her American passport for all other travel.

It is interesting to note that while Mrs. Burns' citizenship status was being investigated, the same Mr. Matheson was writing to the Department urging that her status be resolved to show she was a United States citizen, entitled to use an American passport.

Mrs. Burns continued to apply for and receive U.S. passports. She was issued one on March 30, 1951 at Mexico City, and at Nice, France, on March 15, 1955, on March 15, 1959, on March 27, 1963, and finally on February 28, 1968.

The question of Mrs. Burns' citizenship status arose again in September 1969 when the Principal Attorney for the Department of Taxation and Finance, State of New York, wrote requesting information as to Mrs. Burns' recent domicile or residence. In November 1969, the firm of Patterson, Belknap & Webb first inquired for permission to review Mrs. Burns' file.

A review of the file further reveals that Mr. Fred Smith, SCA, inquired in January 1970 about reviewing the file. He stated he had been informed by "a friend of a friend of the lawyers" that there was a citizenship problem. (Mr. Smith withdrew his request after Mr. Wharton, PT/LAD, informed him that the lawyers for the estate had examined the file the previous day, and that copies of the pertinent material in the file were being mailed to the law firm).

Reply

In its reply to the IRS letter of May 11, 1971, the Passport Office covered the following points:

1) Mrs. Burns acquired U.S. citizenship at birth;
2) she did not lose her citizenship by reason of her marriage to Baron de Graffenreid, a Swiss national, on May 5, 1925;
3) she acquired Mexican citizenship by virtue of her marriage on May 24, 1944 to Mr. Burns, a Mexican national, but only by operation of Mexican law which did not cause her to lose her U.S. citizenship;
4) it was only after January 1, 1950 that the Mexican Government sanctioned the making of an oath or declaration of allegiance in order to obtain a Certificate of Mexican Citizenship; prior to 1950, such an oath or declaration was not required by the Mexican Government;
5) the Passport Office was not aware that Mrs. Burns had taken such an oath in December 1944; however, this fact is immaterial since any such oath was not required by Mexican law prior to 1950;
6) the Passport Office felt it was not necessary to request an advisory opinion from the Mexican authorities, as IRS had requested, unless

such an opinion is indispensable in this case;

7) Mrs. Burns continued to hold herself out as an American citizen, obtaining a U.S. passport as late as February 28, 1968.

In view of these points, it was stated that in the opinion of the Passport Office, Mrs. Burns was a United States citizen when she died on July 5, 1969.

Present Request from IRS:

IRS is now requesting further consideration of this question on the basis of a recent statement from the Ministry of Foreign Relations of Mexico. Evidently the hearing officer in this case and the attorneys for the Executor agreed to submit some questions to the Ministry in an effort to clarify Mrs. Burns' status after she took an oath of allegiance to Mexico in 1944. In a reply dated February 18, 1972, the Ministry pointed out that in proceedings for the acquisition of Mexican nationality subsequent to birth, an applicant must absolutely renounce his country of origin in order to arrive at the status of a single nationality.

In view of this reply from the Ministry, IRS feels that an advisory opinion from the Mexican authorities is indispensable to the resolution of this case.

Discussion:

It appears that the issue in this case narrows down to the question of whether or not Mexico's Nationality and Naturalization Act of January 5, 1934 was changed by the law of December 31, 1949. Under the latter law, the matter of renouncing a former nationality is provided for. Attorneys for the Executor are claiming that the 1949 law did not change the requirement of renouncing any former nationality. Their position is supported, in their opinion, by the recent communication from the Ministry.

The Department's position has been that an oath or declaration of allegiance was not required by Mexican law until after the 1949 law was enacted. This has been the Department's position in Mrs. Burns' case since 1953.

A careful reading of the communication from the Ministry dated February 18, 1972, fails to state that an oath was required in 1944 or that Mrs. Burns was required to renounce her American nationality at that time. The tenor of the reply from the Ministry is to the effect that renunciation of any other nationality is required now.

Recommendations:

It is recommended that a reply to IRS be made along the following lines: The Department adheres to its earlier statement that in its opinion Mrs. Burns was a citizen of the United States when she died on July 5, 1969, based on long established precedents. Accordingly, the Department perceives no sufficient reason for posing the question to the Mexican Government: was Mrs. Burns required to and did she as a matter of fact renounce her American nationality when she took an oath of allegiance to Mexico in December 1944? The Department should also point out in its letter to IRS that Mrs. Burns held herself out as a U.S. citizen long after she took the oath of allegiance to Mexico.

Additional Matters of Interest:

In a Memorandum on behalf of the Executor, Mr. Matheson, addressed to IRS by

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the firm of Patterson, Belknap & Webb on March 23, 1972, reference is made to the fact that the Department of State has already recognized that the making of an oath of allegiance to Mexico and the renunciation of citizenship foreign to Mexico in connection with an application for a Certificate of Mexican Nationality by a U.S. citizen who acquired Mexican nationality by marriage is sufficient to result in loss of U.S. citizenship. The law firm cites as proof of this statement the case of Charlie Ann MENDEZ, decided by the Department's Board of Appellate Review on May 18, 1971. The Mendez case can be distinguished from the case of Mrs. Burns in that the latter took an oath of allegiance in December 1944, prior to the time the Government of Mexico clearly required such an oath. Mrs. Mendez, on the other hand, took an oath in 1963, when an oath was required under Mexican law. The curious aspect of this case is that in the normal course of events, an opinion of BAR would not come into the hands of persons not associated with a case. The question is, then, how did the firm of Patterson, Belknap & Webb obtain a copy of the Mendez opinion?

As stated previously in this memorandum, Mr. Fred Smith, SCA, inquired in January 1970 about the possibility of reviewing Mrs. Burns' file because he had been informed by a friend of a friend of the lawyers for Mrs. Burns' estate that there was a citizenship problem.

Another curious fact is that Under Secretary John N. Irwin II was a member of firm of Patterson, Belknap & Webb for many years. His name appears on the letterhead of the law firm as late as December 1959.

This is not to imply by any means that Secretary Irwin or Mr. Smith is responsible in any way for the fact that a copy of a BAR opinion was given to the law firm representing Mrs. Burns' estate. The matter might be worth a discreet investigation.

No! HLR.
Let us stick to our
business of citizenship
P.

Status: Determination of Citizenship
of US citizen abroad is
made by Dept of State - 22 USC 211a
(2) In practice Dept makes a determination
the Dept will consider the applicable
foreign law and make a determination
thereon.

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Excerpts from Dorothy Gould Burns' Passport File

APR 18 1972

Reply refer to:
IT:S: BURNS, Dorothy Gould

Mr. Charles M. Wilcox
Associate Chief, Appellate Branch Office
Internal Revenue Service
North-Atlantic Region
U.S. Treasury Department
P.O. Box 2954, Church St. Station
New York, New York 10008

In re: Dorothy Gould Burns, Estate
AP:NY:H.R. Thau

Dear Mr. Wilcox:

This is in reply to your letter of March 28, 1972, regarding the citizenship status of Mrs. Dorothy Gould Burns, deceased. You stated that it was the opinion of your office that an advisory opinion from the Mexican authorities is indispensable to the resolution of this case.

At the outset it should be strongly noted that it is the responsibility of the Department of State to determine claims to United States nationality made by persons abroad. See 22 CFR § 50.2. The Department made such a determination in the late Mrs. Burns' case as late as February 23, 1968. She was then issued a United States passport upon her application at the American Consulate, Nice, France. In view of the Department's responsibility in making such citizenship determinations, it is not considered appropriate or necessary to question the Mexican authorities concerning Mrs. Burns' citizenship status.

Cognizance is taken of the statement from the Ministry of Foreign Relations of the Republic of Mexico dated February 18, 1972. In this statement, the Ministry set forth its position relating to the oath and renunciation in connection with the naturalization of a foreigner in Mexico. In reviewing this statement, it is noted that the Ministry does not state that the oath taken by Mrs. Burns on December 21, 1944 was then a requirement of Mexican law.

It is the view of the Department of State that the change in Mexican law dated December 31, 1949 was not a codification of existing law. Instead, it amounted to a substantial change in existing law and requirements for acquiring Mexican citizenship. A requirement to take an oath of allegiance to the Mexican Government and to renounce any other nationality became a legal requisite, to be distinguished from a mere procedural formality.

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Excerpts from Dorothy Gould Burns' Passport File

In addition to applying for and obtaining a United States passport in 1963, Mrs. Burns also obtained United States passports in 1951, 1955, 1959 and 1963. All of these applications for documentation as a United States citizen were processed on the basis of her claim to such citizenship, and on the recognition by this Government that her claim was valid. It is difficult, under these circumstances, to perceive how Mrs. Burns transferred her allegiance from the United States.

The reliance by Mrs. Burns' representatives on the case of Charlie Ann Mendez to support the position that Mrs. Burns also lost her United States nationality is misplaced and erroneous. Mrs. Mendez took an oath of allegiance to Mexico in 1963, after the change in Mexican law became effective as of January 1, 1950. After that latter date, the taking of an oath of allegiance was a requirement of Mexican law, and Mrs. Mendez expatriated herself by her action. As stated previously, Mrs. Burns took an oath of allegiance in December, 1944 when it was not a requirement of Mexican law. Consequently, her action was a nullity and Mrs. Burns did not lose her American nationality by her action.

In view of the foregoing, it is the feeling of the Department of State that there is no need to request an advisory opinion from the Mexican Government concerning the late Mrs. Burns' citizenship status.

Sincerely,

Robert D. Johnson
Acting Director, Passport Office

PPT/FNS:FWBrew:cdb 4/18/72

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Excerpts from Dorothy Gould Burns' Passport File

UNCLASSIFIED

OPERATIONS MEMORANDUM

TO : Amembassy MEXICO, D.F. DATE: APR 27 1972

FROM : Department of State (PPT/PMS)

SUBJ: CITIZENSHIP AND PASSPORTS: Dorothy Gould BURNS (deceased)

REF:

The Department is considering the case of Dorothy Gould Burns who acquired United States citizenship at birth in New York City on March 24, 1904.

Mrs. Burns married Archibald Burns, a Mexican citizen, on May 24, 1944. She thereby acquired Mexican citizenship by reason of her marriage to Mr. Burns under the provisions of paragraph II of Article 2 of the Mexican Nationality and Naturalization Law of January 5, 1934. She was issued a Certificate of Mexican nationality on January 2, 1945 showing she acquired Mexican nationality under the above-mentioned Mexican law. Mrs. Burns subscribed to the declarations and renunciations in connection with the acquiring of the Certificate.

In 1953, it was determined by the Department that Mrs. Burns did not lose United States citizenship by acquiring Mexican nationality upon her marriage to Mr. Burns nor by her taking of the declaration of allegiance to Mexico and renunciation of prior nationalities. United States citizen women who took the declaration between September 22, 1922 and January 1, 1950, are not considered to have lost United States nationality by that action after acquisition of Mexican citizenship by marriage to a Mexican. Such declarations were taken administratively and were not sanctioned by Mexican regulations until January 1, 1950 when the Mexican laws were amended to promulgate the requirement of the declaration of allegiance and renunciation.

In connection with this case, the Embassy is requested to inquire of the Mexican Secretariat of Foreign Relations whether the amended Mexican law was retroactively applied to include women who executed the declaration of allegiance and renunciation prior to January 1, 1950.

The Embassy's note should include the following language:

"Based on previous official information furnished by the Mexican Secretariat of Foreign Relations, it is the view of the Department of State that prior to January 1, 1950 the declaration of allegiance to Mexico and renunciation of all other nationalities in connection with the application for a Certificate of Mexican Nationality by an alien woman who married a Mexican national was not required by law or regulation having the force of law and that it

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only became such a legal requisite, to be distinguished from an administrative procedure, upon the promulgation of the amendment of the Mexican Law of Nationality and Naturalization dated December 31, 1949.

"The Department of State wishes to know whether the amendment of Article 57 of Mexican Law of Nationality and Naturalization, effective January 1, 1950, is considered by the Secretariat to have retroactive effect in Mexican law upon declarations administered prior to that date in connection with the obtainment of Certificates of Mexican Nationality".

Please forward to the Department the original of the Embassy's note to the Mexican Department of Foreign Affairs as well as the original of the reply from the Mexican Department of Foreign Affairs, together with exact translations.

The Embassy's expedious handling of this request would be appreciated.

SUSPENSE

CAB:FLACK:Dfelb 4/26/72

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☆ U. S. GOVERNMENT PRINTING OFFICE: 1968-761-861

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EXCERPTS FROM GOVERNMENT'S STATEMENT PURSUANT TO RULE 9(g)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

WILLIAM L. MATHESON, as Executor of the Estate of Dorothy Gould Burns,

Defendant.

STATEMENT PURSUANT TO RULE 9(g)

73 Civ. 2011 KTD

The plaintiff, United States of America, by its attorney, Paul J. Curran, United States Attorney for the Southern District of New York, for its Statement Pursuant to Rule 9(g) of the General Rules of the United States District Court for the Southern District of New York, states that there is no issue to be tried as to the following material facts:

* * *

4. Dorothy Gould Burns was the daughter of Mr. and Mrs. Frank J. Gould and the granddaughter of Jay Gould, the famous American railroad financier.

* * *

7. Annexed hereto as Exhibit C is a true copy of Defendant's Objection and Responses to Plaintiff's Requests for Admissions Under Rule 36, F.R. Civ. P. dated July 3, 1974.

* * *

9. Annexed hereto as Exhibit E is a true copy of the authentic, accurate and official English translation of the Mexican Law of Nationality and Naturalization of January 20, 1934, as amended on January 23, 1940, which is used by the United States Library of Congress. It represents the Mexican law at all times in effect in 1944 and 1945.

10. Annexed hereto as Exhibit F is a true copy of Dispatch No. 1185 from the American Consul in Mexico City to the United States Department of State in Washington, D. C., dated April 24, 1950 with the three enclosures therewith which were provided in the original Spanish to the United States government by the Mexican Ministry of Foreign Relations. The said dispatch and enclosures are authentic.

11. Annexed hereto as Exhibit G is a true copy of an authentic draft of an application by Dorothy Gould Burns to the Mexican Immigration Department in or about 1946 which was produced by Lic. Francisco Liguori at his deposition and marked thereat as Government Exhibit 1-G, as well as an accurate Engligh translation thereof.

12. Annexed hereto as Exhibit H is a true copy of an authentic application signed by Dorothy Gould Burns to the Governor of the Federal District dated April 4, 1946, produced by Lic. Francisco Liguori at his deposition and marked there-

at as Government Exhibit 4-E, and an accurate Engligh translation thereof.

13. Annexed hereto as Exhibit I is a true copy of an authentic letter to Dorothy Gould Burns dated February 27, 1962, relating to the payment by her of French taxes and an accurate English translation thereof.

14. Annexed hereto as Exhibit J is a true copy of the authentic certificate of Mexican nationality issued to Dorothy Gould Burns by the Mexican Ministry of Foreign Relations on January 1, 1945, and an accurate English translation thereof.

15. Annexed hereto as Exhibit K is a true copy of an authentic Memorandum by Dennis R. Cyr, IRS Revenue Agent in Mexico City, to Miss Marilyn Deersman, Acting Revenue Service Representative, dated May 21, 1974, with the attachment thereto.

16. Annexed hereto as Exhibit L is an accurate English translation of Article 30 of the Mexican Political Constitution as it existed in 1944 and 1945.

17. Annexed hereto as Exhibit M is a true copy of the authentic application for a certificate of Mexican nationality by Cynthia McPherson Boyd dated August 4, 1960, and an accurate English translation thereof.

18. Annexed hereto as Exhibit N are true copies of the authentic correspondence between Walter L. Matheson and Dorothy Gould Burns from December 11, 1952 through May 11, 1953, relating to the 1953 adjudication by the Passport Office of the United States Department of State that Mrs. Burns did not lose her United States citizenship by virtue of acquiring Mexican nationality through her marriage to Archibald Burns.

19. Annexed hereto collectively as Exhibit O are true copies of the authentic French Act of Notoriety dated March 17, 1953 by which Dorothy Gould Burns became entitled to share in the estate of her mother, Helen Margaret Kelly, under French law, an accurate English translation of said Act of Notoriety, and the affidavit of Russell H. Porter, Esq. The Porter affidavit and the annexed English translation were submitted by Dorothy Gould Burns to the Surrogate's Court, New York County, for the purpose of the ancillary administration of her mother's estate in New York.

20. Under Swiss law which was then in effect and which is still in effect today, Dorothy Gould Burns acquired Swiss nationality automatically by virtue of her marriage to Baron Roland Graffenreid de Villars in 1925 and lost Swiss nationality automatically upon her marriage to Archibald Burns in 1944 since she did not declare to a Swiss diplomatic

or consular representative at the time of her marriage her willingness to keep the Swiss nationality. See the true copies of the present Swiss statutes on the acquisition and loss of Swiss nationality and an accurate English translation thereof which are annexed hereto as Exhibit P.

21. Annexed hereto collectively as Exhibit Q are true copies of the United States Income Tax returns and amended returns filed by Dorothy Gould Burns for the years 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967 and
1968, which were prepared and signed, as preparer, by William L. Matheson.

23. Annexed hereto as Exhibit S is a true copy of an authentic letter from Dorothy Gould Burns to her daughter Rolande written in 1961 and an accurate English translation thereof.

* * *

25. Annexed hereto as Exhibit U is a true copy of an authentic letter dated May 6, 1968 to the Inspector of Direct Taxation, Antibes, France and an accurate English translation thereof.

26. Annexed hereto as Exhibit V is a true copy of the affidavit of William L. Matheson sworn to February 12, 1969.

27. The said affidavit was forwarded to the Central Inspector of Taxes, Antibes, France, by Dorothy Gould Burns in March, 1969, in an Answer which is annexed hereto as Exhibit W along with an accurate English translation thereof.

28. Annexed hereto collectively as Exhibit X are true copies of the authentic income tax declarations for the years 1958, 1965 and 1968 filed by Dorothy Gould Burns with the French government.

* * *

30. Annexed hereto as Exhibit Z is a true copy of an authentic letter dated March 17,1958, from Mr. Pivot to Dorothy Gould Burns and an accurate English translation of the second paragraph of page 2 of said letter.

31. Annexed hereto as Exhibit AA is a true copy of an authentic "Passport and Nationality Card-Native Citizen" card on file at the American Consulate in Nice, France.

32. Annexed hereto as Exhibit BB is a true copy of an authentic "Application for Number for Undocumented Motor Vessel" signed by Dorothy Gould Burns and submitted to the United States Coast Guard in the year 1959.

33. Annexed hereto as Exhibit CC is a true copy of an authentic "Certificate of Award of Number to an Undocumented Vessel" issued by the United States Coast Guard

on July 16, 1959 and the reverse side of which was signed by Dorothy Gould Burns on May 12, 1962, when she sold the vessel to Mr. Leo Roman.

34. Annexed hereto as Exhibit DD is a true copy of an authentic letter from William L. Matheson to Correct Craft, Inc., Orlando, Florida, dated March 18, 1958.

35. Annexed hereto as Exhibit EE is a true copy of an authentic letter from William L. Matheson to Mr. F. A. Lee, Vice President, Marsh & McLennan, Inc., New York City, dated May 9, 1958. A copy was sent to Dorothy Gould Burns.

36. Annexed hereto as Exhibit FF is a copy of a deed dated January 17 and 24, 1957 by which Dorothy Gould Burns purchased real property on the French Riviera and an accurate English translation of the first page thereof.

37. Annexed hereto as Exhibit GG is a copy of a deed dated May 29, 1962 by which Dorothy Gould Burns purchased real property on the French Riviera and an accurate translation of a portion of the third page thereof.

38. Annexed hereto as Exhibit HH is a true copy of an authentic letter dated May 10, 1962, from Mr. Chambraud, Dorothy Gould Burns' accountant in France, to Charles Genevoix dated May 10, 1962, a copy of which was sent to Dorothy Gould Burns.

Excerpts from Government's Statement Pursuant to Rule 9(j)

39. Annexed hereto as Exhibit II is a true copy of an authentic Identity Card issued to Dorothy Gould Burns by the Government of France by the Director General of the National Surete at Antibes, France.

40. On July 18, 1969, William L. Matheson reported the death of Dorothy Gould Burns to the United States Consulate at Nice, France, as that of an American citizen. Mrs. Burns' death was recorded by the Consulate on the form for "Report of the Death of an American Citizen", a copy of which, with annexes thereto, is annexed hereto as Exhibit JJ.

41. On August 18, 1969, Dorothy Gould Burns' three daughters, Rolande (a Mexican national), Dorothy (a French national) and Victoria (a Swiss national) caused an Act of Notoriety to be filed under French law by which they became entitled to share in the French estate of their mother under French law. A true copy of that authentic Act of Notoriety and an accurate English translation is annexed hereto as Exhibit KK.

* * *

43. Annexed hereto as Exhibit MM is a true copy of an authentic letter from Rolande de Graffenreid de Riveroll, Dorothy Gould Burns' eldest daughter, to the Secretary of Foreign Relations in Mexico City dated July 5, 1971, and an accurate English translation thereof.

44. Annexed hereto as Exhibit NN is a true copy of an authentic letter dated July 14, 1971 from the Secretary of Foreign Relations for the United States of Mexico, General Office for Legal Affairs, to Mrs. Rolande de G. Riveroll and an accurate English translation thereof.

45. Annexed hereto as Exhibit OO is a true copy of an authentic writ dated January 12, 1972 from Rolande de Graffenreid de Riveroll to the Foreign Affairs Department, General Bureau of Legal Matters, Citizenship and Naturalization Section and an accurate English translation thereof.

46. Annexed hereto as Exhibit PP is a true copy of an authentic letter dated February 18, 1972, from the Mexican Ministry of Foreign Relations, General Bureau of Legal Matters, Citizenship and Naturalization Department to Mrs. Rolande de Graffenreid de Riveroll and an accurate English translation thereof.

47. Annexed hereto as Exhibit QQ are true copies of an authentic affidavit formally renouncing her United States citizenship by Leona Adeline Hoover Rosales dated April 27, 1946, and an authentic "Certificate of Loss of the Nationality of the United States" approved by the Board of Review, Passport Division, United States Department of State on March 24, 1947.

48. Annexed hereto as Exhibit RR are true copies of an authentic affidavit formally renouncing her United States citizenship by Geraldine McDowell Cruz, dated February 10, 1960, and an authentic "Certificate of Loss of the Nationality of the United States" approved by the Director of the Passport Office of the United States Department of State on June 27, 1960.

49. A special search of the files of the United States Department of State has failed to locate any file on Christina Lee Moor Crespi Goddard and there is no computer indication that she has lost her United States citizenship.

* * *

56. Annexed hereto as Exhibit YY are true copies of authentic Airgrams (Nos. CA-2855 and CA-6119) to all American Diplomatic and Consular Posts throughout the world from the United States Department of State dated May 16, 1969 and November 13, 1969, relating to uniform government application of the Afroyim case to possible expatriation cases which might arise.

* * *

60. The only issue of fact which is in dispute on this motion is whether Dorothy Gould Burns on December 21, 1944, intended to expatriate herself as a citizen of the United States of America. Since she is dead and cannot presently testify as to her intent, the resolution of that question is now largely dependent upon documentary evidence, if a resolution is possible at all. Therefore, the issue would appear ripe for determination on a motion for summary judgment.

* * *

EXCERPTS FROM EXHIBITS TO THE GOVERNMENT'S STATEMENT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

WILLIAM L. MATHESON, Executor of the Estate of Dorothy Gould Burns, Deceased,

Defendant.

DEFENDANT'S OBJECTION AND RESPONSES TO PLAINTIFF'S REQUESTS FOR ADMISSIONS UNDER RULE 36, F.R. CIV. P.

73 Civ. 2011
KTD

The defendant, William L. Matheson, as executor of the estate of Dorothy Gould Burns, objects to the plaintiff's requests for admissions Nos. 1 through 17 on the ground that they are not relevant to the issues in this case. Notwithstanding such objection and without waiver thereof, the defendant responds to plaintiff's requests, upon information and belief, as follows:

Request No. 1

Denies that the first time the decedent, Dorothy Gould Burns, traveled outside of Mexico after January 2, 1945, was in late June or early July of 1947 for the following reasons:

In 1952, at the time the decedent asked the defendant to assist her in obtaining an extension of her United States passport, she told the defendant that she wanted the United States passport because prior to the time she had obtained such passport in 1947 she was dissatisfied with the treatment and accommodations she had received while traveling on her Mexican passport. She believed that she had been accorded better treatment and accommodations on

"C"

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Excerpts from Exhibits to the Government's Statement

Request No. 13

Admits that in the years 1950, 1951 and 1952 the decedent traveled from Mexico to New York, to Europe, to New York, to Mexico, approximately during the months specified in the request for admission.

Request No. 14

Admits that in May or June of 1953, the decedent left Mexico and never returned thereto.

Requests Nos. 15 and 16

Admits that during 1940 the decedent was briefly incarcerated in Spain because she did not have a passport.

Request No. 17

Admits that the decedent's principal language in 1940 was French, and that when she spoke English she spoke with a slight French accent.

Request No. 18

Denies that when the decedent was reunited in Mexico with her daughter the language normally spoken in the household was French on the grounds that the defendant has been advised by his attorneys, on the basis of the deposition of Francisco Liguori, and by Rolande's attorneys that at that time the decedent spoke with Rolande almost exclusively in French, the decedent spoke with her daughter Victoria and the household servants almost exclusively in Spanish, and the decedent spoke with her husband, Archibald Burns, in French, English and Spanish. Accordingly, it is impossible to say that the language normally spoken in the household was French and, taking the household as an entirety, the principal languages were probably Spanish and English.

William L. Matheson

William L. Matheson, as executor of the estate of Dorothy Gould Burns, deceased

Excerpts from Exhibits to the Government's Statement

LAW OF NATIONALITY & NATURALIZATION.

(Translation from the "Diario Oficial" of January 20th, 1934, embodying amendments published in the "Diario Oficial" of January 23, 1940.)

"ABELARDO L. RODRIGUEZ, Substitute Constitutional President of the Mexican United States, to its inhabitants, KNOW YE:

That in the exercise of the extraordinary powers granted me by Congress of the Union to legislate on matters of nationality and naturalization, I have seen fit to issue the following

LAW OF NATIONALITY AND NATURALIZATION.

Chapter I.

Mexicans and Foreigners.

Article 1. - The following are Mexicans by birth:

I.- Those who are born within the territory of the Republic, whatever be the nationality of their parents.

II.- Those who are born abroad of Mexican parents, of a Mexican father and alien mother, or of a Mexican mother and unknown father.

III.- Those who are born on board Mexican ships or aircraft, whether of war or merchantmen.

Article 2. - The following are Mexicans by naturalization:

I.- Aliens who obtain a Naturalization Certificate from the Ministry of Foreign Relations.

II.- Any alien woman who marries a Mexican and who has or establishes her domicile within the national territory. She retains her Mexican nationality even after dissolution of the marriage tie.

The Ministry of Foreign Relations will issue the corresponding declaration in this case.

Article 3. - Mexican nationality is lost:

I.- By voluntary acquisition of a foreign nationality, it being understood that voluntary acquisition is not that which becomes operative by virtue of a law, by mere residence, or this being an indispensable requirement for obtaining work, in the opinion of the Ministry of Foreign Relations.

II.- By accepting or using titles of nobility which imply the rendering of allegiance to a foreign State.

III.- In the case of a naturalized Mexican, by residing continuously for five years in the country of his origin.

IV.- In the case of a naturalized Mexican, by posing as an alien in any public instrument, or by obtaining and using a foreign passport.

The loss of Mexican nationality only affects the person who has lost it

Article 4. - The Mexican woman who marries an alien does not lose her nationality by reason of such marriage.

Article 5. - Mexican corporations are those which are organized in accordance with the laws of the Republic and which have their legal domicile therein.

Article 6. - Aliens are those who are not Mexicans in accordance with the provisions of this Law.

Chapter II.

Ordinary Naturalization.

Article 7. - Any alien who complies with the requisites laid down in this Law may become a naturalized Mexican.

Article 8. - An alien who wishes to become a naturalized Mexican must present a petition, in duplicate, to the Ministry of Foreign Relations stating his desire to acquire Mexican nationality and to renounce his foreign nationality. This petition must be accompanied by the following documents:

a).- A certificate issued by the local authorities stating that the interested party has resided in the country continuously or uninterruptedly for at least two years.

b).- A certificate from the Migration Authorities confirming his legal entry into the country.

c).- A medical certificate of good health.

d).- Proof that he is at least eighteen years of age.

e).- Four photographs: two full face and two profile.

f).- A declaration, signed by the party in question, stating his last habitual residence abroad prior to entering the country.

The document referred to in sub-clause a) may be substituted by proofs which the Ministry of Foreign Relations may deem adequate.

The Ministry of Foreign Relations shall return the duplicate copy of the petition to the interested party with the date of its presentation noted thereon, retaining the original in its files.

Article 9. - Three years after making the petition referred to in the foregoing Article, and provided the interested party has not interrupted his residence in the country, he may request the Federal Government, through the District Judge in whose jurisdiction he may be, to issue him a certificate of naturalization. Should he fail to apply to the Ministry of Foreign Relations within the following eight years, the petition shall be deemed without effect, and the interested party must again initiate the proceedings in order to become naturalized.

Article 10. - Absence from the country will not interrupt the residence required by the foregoing Article, provided such absence does not exceed six months during the three-year period, or, if it be longer, permission therefor has been obtained from the Ministry of Foreign Relations.

Article 11. - The interested party shall accompany the petition referred to in Article 9 by a statement containing the following data:

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Excerpts from Exhibits to the Government's Statement

a).- Full name.
b).- Marital status.
c).- Place of residence.
d).- Profession, trade or occupation.
e).- Place and date of birth.
f).- Name and nationality of parents.
g).- If married, full name of husband or wife.
h).- Place of residence of husband or wife.
i).- Nationality of husband or wife.
j).- If there be children, their full name, and place and date of birth.
k).- Place of residence of children.

He shall attach, furthermore, a new health certificate, issued by a physician authorized by the Department of Public Health.

Article 12. - The interested party shall furnish proof to the District Judge that:

I.- He has resided in the Republic for at least five years and has not interrupted such residence.

II.- His conduct has been good during his period of residence.

III.- He has, in Mexico, a profession, industry, occupation or means of livelihood.

IV.- He can speak Spanish.

V.- His Income Tax has been paid to date or he is exempt therefrom.

The petitioner shall attach to the initial document a duplicate of the petition referred to in Article 8, or a certified copy thereof issued by the Ministry of Foreign Relations.

Article 13. - The District Judge who receives a request for naturalization shall immediately notify the Ministry of Foreign Relations, forwarding thereto a copy of the petition and of all the documents presented therewith, and shall post in the courthouse, for thirty days, a copy of the petition and of the statement referred to in Article 11.

Article 14. - The Ministry of Foreign Relations, upon receipt of notice from the District Judge that proceedings for naturalization have been instituted, shall cause an extract of the petition and data referred to in Article 11 to be published three times, at the expense of the interested party, in the "Diario Oficial" of the Federation and in another paper of wide circulation.

Article 15. - The District Judge shall order the hearing of the evidence offered regarding the points referred to in Article 12, with the attendance of the Attorney-General's Office and of the Ministry of Foreign Relations. He shall also hear the evidence offered by the Attorney-General.

Article 16. - The District Judge, after hearing the view-point of the Attorney-General's Office, shall analyze the evidence presented, make such observations as he may deem pertinent, and, in every case, forward the original file to the Ministry of Foreign Relations.

Article 17. - The interested party, through the agency of the Judge, shall petition the Ministry for his Certificate of Naturalization, securing al-

legiance, obedience and submission to the Laws and authorities of the Republic, expressly renouncing all protection other than that afforded by said Laws and authorities and any right granted to aliens by Treaties or International Law, binding himself also, specifically, not to invoke against the Republic any inherent right of his original nationality. This renunciation and the oaths shall be ratified in the presence of the Judge.

Article 18. - If the alien requesting naturalization possesses a title of nobility granted by a foreign government, he must expressly renounce his right thereto or use thereof.

Article 19. - Once the Ministry of Foreign Relations receives the file and deems it in order, the Naturalization Certificate shall be issued to the interested party.

Chapter III.

Privileged Naturalization.

Article 20. - The acquisition of Mexican nationality of the husband, subsequently to the marriage, grants the wife the right to acquire the same nationality, provided she has or establishes her domicile within the Republic and specifically petitions same from the Ministry of Foreign Relations, making the renunciations referred to in Articles 17 and 18 of this Law. The Ministry of Foreign Relations shall issue the respective declaration.

Article 21. - The following persons may become naturalized by the special procedure provided for in this Chapter:

I.- Aliens who establish an industry, enterprise or business in Mexican territory which is advantageous to the country or involves a notable social benefit.

II.- Aliens who have legitimate children born in Mexico.

III.- Children born abroad of an alien father and a Mexican mother, who reside in Mexico on attaining majority, in accordance with Mexican law, if, within the year following, they manifest to the Ministry of Foreign Relations their desire to become Mexicans.

IV.- Aliens married to women Mexican by birth.

V.- Colonists who settle in the country in accordance with the colonization laws.

VI.- Naturalized Mexicans who have lost their Mexican nationality due to having resided in their native country.

VII.- Latin-Americans and native Spaniards who establish residence in the Republic.

Article 22. - Aliens coming under the provisions of Sub-clause I of the foregoing Article may apply direct to the Ministry of Foreign Relations for a Certificate of Naturalization, proving thereto, by the legal means that the Ministry may require, that they belong to that class and that they are domiciled in the country.

Article 23. - The aliens referred to in Sub-clause II of Article 21 may become naturalized by applying direct to the Ministry of Foreign Relations for

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Excerpts from Exhibits to the Government's Statement

their Naturalization Certificate, provided they prove thereto that they have legitimate children born in national territory; that they have their domicile in Mexico; and that they have resided in the country for at least two years immediately prior to the date of their petition; but in the case of legitimized children the two-year residence must be subsequent to the date of legitimizing of the children.

Article 24. - Those who come under the provisions of Sub-clause III of Article 21 may become naturalized by establishing, to the satisfaction of the Ministry of Foreign Relations within the period specified, that they are children of a Mexican mother, and that they were living in Mexican territory on attaining majority.

Article 25. - Aliens married to Mexican women may become naturalized by applying direct to the Ministry of Foreign Relations and proving:

a).- That they have married Mexican women.
b).- That the marriage subsists.
c).- That, since their marriage, they have resided continuously within the country for at least two years prior to the date of their application.

Article 26. - Colonists who settle in the country may become naturalized by applying direct to the Ministry of Foreign Relations and establishing, to its satisfaction, their status as colonists.

Article 27. - The foreigners who come under the case provided for in Section VI of Article 21 may become naturalized by proving that they have their domicile in the Republic and that their residence in their native country was involuntary, in the opinion of the Ministry of Foreign Relations.

Article 28. - Persons coming under the provisions of Section VII of Article 21 may become naturalized by applying direct to the Ministry of Foreign Relations and proving:

a).- That they acquired by birth the nationality of a Latin-American country or that they are native Spaniards.

b).- That they have established residence in Mexican territory and have their domicile therein.

Article 29. - The aliens who become naturalized by any of the privileged proceedings specified in this Charter shall appear before the Ministry of Foreign Relations and make the declaration referred to in Article 11 and the renunciations provided for in Articles 17 and 18 in the respective case.

The Ministry of Foreign Relations is empowered to accept the birth certificate issued in the Republic of Mexico within six months following date of birth, as proof of nationality, or to demand other proof, as laid down in civil law.

Once all these requirements have been complied with, according to the case, the Ministry of Foreign Relations, if it so deems proper, will issue the Naturalization Certificate.

Chapter IV.

Rights and Obligations of Aliens.

Article 30. - Aliens are entitled to the guarantees granted them by Chapter I, Title I of the Political Constitution of the Mexican United States, subject to the restrictions imposed thereby.

Article 31. - Aliens are exempt from military service, but those who are domiciled in Mexico are under the obligation of doing guard duty when it is a question of safeguarding property and maintaining law and order in the town in which they reside.

Article 32. - Aliens and foreign corporations are obligated to pay ordinary or special taxes and to satisfy any other money levies, provided they are enacted by the authorities and apply generally to the town where they reside. They are likewise obligated to obey and respect the institutions, laws and authorities of the country, submitting to the decisions and sentences of the courts, being unable to resort to recourses other than those which the laws grant to Mexicans. They may only resort to diplomatic channels in cases of denial of justice or voluntary and notoriously malicious delay in the administration thereof.

Article 33. - Aliens and foreign corporations, as well as Mexican companies which have or may have alien shareholders, may not obtain concessions nor enter into contracts with the Municipalities, local governments, or Federal authorities without the previous permission of the Ministry of Foreign Relations, which may be granted if the interested parties agree, before the Ministry, and bind themselves not to invoke the protection of their governments in connection therewith, under the penalty to be established by the Ministry of Foreign Relations in each case.

Article 34. - Foreign corporations may not acquire the ownership of lands, waters and their appurtenances, nor obtain concessions for the exploitation of mines, waters or mineral fuels in the Mexican Republic, except in the cases expressly determined by the laws.

Article 35. - Aliens may be domiciled within the Republic for all legal purposes without losing their nationality. The acquisition, change or loss of domicile shall be governed by Mexican laws.

Chapter V.

Penalty Provisions.

Article 36. - Any person who attempts to obtain a Naturalization Certificate, in violation of the provisions of this Law, without right thereto, or who furnishes false data or presents false witnesses or documents, will be liable to imprisonment for from two to five years and a fine of from one hundred to five hundred pesos. The penalty will be doubled if the Naturalization Certificate has been issued.

Article 37. - The falsification or alteration of any kind whatsoever in a naturalization Certificate shall render the party responsible therefor, whoever he may be, liable to imprisonment for from two to ten years and a fine of from two hundred to one thousand pesos.

Article 38. - Whoever makes use of a Naturalization Certificate issued to another person as if it had been issued to himself, or makes use of a falsified or altered Naturalization Certificate, shall be subject to the same penalty specified in the foregoing Article.

Article 39. - Any private person or public official who executes a certificate regarding false evidence which may be used in naturalization proceedings shall be punished by imprisonment of from two to five years and a fine of from one hundred to five hundred pesos.

Article 40. - Witnesses who render false testimony in proceedings for the securing of a Naturalization Certificate shall become liable to imprisonment for from two to five years and a fine of from one hundred to five hundred pesos.

Article 41. - Any person who aids or countenances another in securing a Naturalization Certificate in violation of the provisions of this Law shall be liable to imprisonment for from two to five years and a fine of from one hundred to five hundred pesos.

Chapter VI.

General Provisions.

Article 42. - Mexican nationality by naturalization shall be acquired from the day following the date on which the Certificate is issued, except in the case referred to in Article 20 of this Law.

Article 43. - The children of an alien who becomes a Mexican by naturalization who are still subject to parental authority become naturalized in virtue of the declaration of the Ministry of Foreign Relations if they reside in Mexican territory and without prejudice to having the right to choose their nationality by birth within one year following the date they reach majority.

Adoption does not entail a change of nationality for the party adopted.

Article 44. - Mexicans by birth who lose or might have lost their nationality may recover it with the same status provided they reside and have their domicile within Mexican territory and state before the Ministry of Foreign Relations their wish to recover it.

Article 45. - An applicant can be represented in naturalization proceedings by a special power of attorney containing the oaths and renunciations to be made by the interested party personally, but in no case can the power of attorney substitute the lack of residence of the alien in the Republic.

Article 46. - No one having committed crimes against property or been guilty of homicide, abduction or forgery may obtain a Mexican Naturalization Certificate.

Article 47. - Naturalization obtained in violation of this Law shall be null and void.

Article 48. - Once it is discovered that the Ministry of Foreign Relations has issued a Naturalization Certificate without the interested party having complied with all the requirements of the Law, or if one has been issued to a person who has no right to become naturalized, said Ministry shall declare it null and void, without prejudice to levying the penalties established in the pertinent Chapter on the persons responsible therefor.

Article 49. - For the purposes of this Law, all leases of real estate for more than ten years shall be considered as alienations of property.

Article 50. - Only Federal legislation can modify and restrict the civil rights enjoyed by aliens; consequently, this Law and the provisions of the Civil Code and of the Code of Civil Procedure of the Federal District on this subject have federal character and are binding throughout the Union.

Article 51. - The authorities may require conclusive proof of nationality from an alien who attempts to exercise any right derived from such status, said proof to be presented to the Ministry of Foreign Relations.

Article 52. - A person having two or more nationalities but not Mexican shall be considered, as regards acts which must take place within the Republic, as having but one nationality, which shall be that of the country where he has his principal habitual residence; and if he does not reside in any of the countries of which he is a national, he shall be deemed as having the nationality of the country with which it would appear, from circumstances, that he has the strongest ties.

Article 53. - If a person be a Mexican in accordance with the provisions of Mexican law and at the same time have the nationality of another State, he may renounce Mexican nationality, provided he prove, in advance, to the Ministry of Foreign Relations, that he has had his habitual and principal residence in the other country during the preceding ten years; that the principal seat of his business is located there and that he make the renunciation and agreement required by Section I of Article 27 of the Constitution and its regulating laws with regard to property held in Mexico.

Article 54. - Children born in the territory of the Republic of career consuls, or of other foreign officials entrusted with official missions by their governments but who do not enjoy diplomatic immunity, may likewise renounce Mexican nationality, provided they petition the Ministry of Foreign Relations to that effect upon attaining majority, and that they retain their father's nationality in accordance with the law of the latter's country.

Article 55. - It shall be presumed, unless there be proof to the contrary, that a foundling child found on Mexican soil was born thereon.

Article 56. - The Executive is authorized to regulate this Law.

TRANSITORY PROVISIONS.

Article 1. - This Law shall take effect on the date of its publication in the "Diario Oficial", and annuls the Law on Aliens and Naturalization of the 28th. May, 1886, the provisions regulatory thereof, and all provisions conflicting therewith.

Article 2. - All children born in Mexico of alien fathers who are minors on the date of promulgation of this law are Mexicans by birth; but they have the right, in accordance with Mexican Law, of going before the Ministry of Foreign Relations and electing their father's nationality within three months after they attain majority.

Article 3. - All those born in Mexico of alien fathers may acquire Mexican nationality by birth provided that they appear before the Ministry of Foreign Relations stating their wish to acquire it, proving that they were born in Mexico and that they attained their majority prior to January 5, 1934 but after May 1, 1917, in which case they must make the renunciations referred to in Articles 17 and 18 in the respective case.

The Ministry of Foreign Relations shall issue the respective declaration in this case.

Article 4. - Mexicans by birth who have lost their nationality by virtue of a marriage contracted prior to this Law taking effect, may regain their former nationality status, provided they have or establish their residence within Mexican territory within one year following the date of publication of this Law, and make known their desire to regain such nationality to the Ministry of Foreign Relations.

Excerpts from Exhibits to the Government's Statment

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

SECURITY : UNCLASSIFIED PRIORITY: AIR

TO : Department of State

FROM : Mexico, D. F. No. 1185 April 24, 1950 Two enclosures
(Submitted August 31, 1950)

REF : None

SUBJECT : Amendment of Certain Articles of the Ley de Nacionalidad y Naturalización, effective January 1, 1950.

There is enclosed a copy and translation of the Decree of December 28, 1949, published in the Diario Oficial for December 31, 1949, which became effective on the day following its publication or January 1, 1950, amending certain articles of the Mexican Law of Nationality and Naturalization (Ley de Nacionalidad y Naturalización) of January 4, 1934, as amended by the Decrees of December 10, 1940.

For convenience in comparing the amended terms of the law with the law prior to modification, the two texts have been arranged in parallel columns; the old version on the left-hand side and the amended version of the law, as it now stands, to the right.

In addition, there is transmitted a copy in translation of a brief prepared by Licenciado Oscar Treviño Ríos, the Chief of the Legal Section of the Foreign Office, in which he analyzes and interprets each one of the changes. This work is considered to be especially authoritative in view of the fact that the law emanated from the Foreign Office and Mr. Treviño Ríos, as Chief of the Section concerned with its application, undoubtedly had much to do with its preparation. This brief was prepared at the time the "project of law" was transmitted to Congress. In the interest of clarity, the word, "law", has been substituted in the translation for the word, "project", wherever it appears in the original document. Licenciado Treviño Ríos' brief will be found to be paragraphed in such a way as to make it easy to read in conjunction with the law.

The article which will probably have the greatest effect on American citizens is new article 57. This article provides that applicants for certificates of nationality must take an oath of allegiance to Mexico and renounce all claims to foreign nationality. In the past this oath has been required by the Foreign Office as a prerequisite to obtaining a certificate of nationality, but it has been considered by the Department of State to be only an administrative requirement not having the force of law. Consequently, American citizenship was not lost by subscribing thereto. However, now that the oath is required

221 - General
CLS:[illegible]:MK:bed

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Excerpts from Exhibits to the Government's Statement

SECRET/ UNCLASSIFIED Enclosure No. 2 to Despatch No. 1185

TRANSLATION

MINISTRY FOR FOREIGN RELATIONS

DECREE that reforms and adds diverse articles of the Law of Nationality and Naturalization.

At the margin, a seal with the National Coat of Arms which reads: United Mexican States.--Presidency of the Republic.

MIGUEL ALEMAN, Constitutional President of the United Mexican States, to the inhabitants thereof, KNOW YE:

That the Honorable Congress of the Union has directed to me the following

DECREE:

"The Congress of the United Mexican States, decrees:

ARTICLE ONE:--Articles 2, paragraphs I and II, articles 8, 9, 10, 12, paragraph I, articles 17, 21, paragraph III, articles 24, 26, 28, 29, 44, 46, 52 and 53 of the Law of Nationality and Naturalization of January 5, 1934, as amended by the Acts of December 18, 1939, and December 30, 1940, are amended in such a way that their respective texts shall read as follows:

Article 2.--The following are Mexicans by naturalization:

I.--Aliens who obtain naturalization certificates from the Ministry for (Foreign) Affairs.

II.--An alien woman who marries a Mexican and who has or establishes her domicile within national territory, retains Mexican nationality even after the dissolution of the marital bond.

The Ministry for Foreign Affairs shall make the corresponding declaration in each case.

Article 2.--The following are Mexicans by naturalization:

I.--Aliens who obtain naturalization certificates from the Ministry for Foreign Affairs in accordance with the present law.

II.--An alien woman who marries a Mexican and who has or establishes her domicile within national territory. Pursuant to an application by the interested party, in which there are recorded the renunciations and protests to which articles 17 and 18 of this Law refer, the Ministry for Foreign Affairs shall make the corresponding declaration in each case. The alien woman who thus acquires Mexican nationality shall retain the same even after the dissolution of the marital bond.

Mexican nationality provided he proves to the Ministry for Foreign Affairs that for the last ten years he has had his principal habitual residence in the other state and that he has therein a principal place of business and that he makes the renunciation and agreement required by paragraph I of article 27 of the Constitution and its regulatory laws insofar as it refers to property he possesses in Mexico.

before the Ministry of Foreign Affairs either directly or through a Mexican diplomatic or consular representative, provided they do it in writing and fulfill the following requirements:

a).--That they are of legal age.

b).--That a foreign state attributes its nationality to them.

c).--That they have their domicile in a foreign country, and

d).--If they possess immovable property in Mexican territory, that they make the renunciation established by paragraph I of article 27 of the Constitution.

The right to renounce Mexican nationality referred to in this article may not be exercised when Mexico is in a state of war.

ARTICLE TWO.--The Nationality and Naturalization Law of January 21, 1934, as amended by the Acts of December 18, 1939, and December 30, 1940, is amended by the addition of the following articles 56 and 57, at the same time the numbering of the law in force is changed in such a way that the present article 56 will be numbered 58.

Article 56.--In all nationality matters the Ministry for Foreign Affairs is authorized to require such supplemental proofs as it deems necessary when the acts of birth presented by the interested parties have not been executed within the periods designated by the respective laws.

Article 57.--For the issuance of certificates of Mexican nationality, it will be necessary for the applicants in each case to make before the Ministry for Foreign Affairs the renunciations and protests referred to in articles 17 and 18 of this law.

ARTICLE THREE.--This law will become effective on the day following its publication in the Official Daily.

cedents of our nationality, as happens in the cases of those who have immediate and direct Mexican ancestry;

2.- To liberalize the granting of our nationality by facilitating the naturalization procedures; in this manner it is hoped to stimulate the naturaliza-tion of foreigners established in our country whose naturalization is considered desirable;

3.- To endow naturalization with greater guarantees in order to avoid fraudulent naturalizations and at the same time obtain greater stability and security for those foreigners who, upon naturalizing themselves, comply strictly and in good faith with the requirements established by law.

Having pointed out the basic ideas and the general features which the Executive took into account in issuing this Decree, it is in order for a better understanding of each and all of the changes and additions to point out the specific motives in the case of each one of them.

Article 2.- Notwithstanding that the Nationality and Naturalization Law in force is regulatory to the Political Constitution, Article 2, section I reproduces the exact text of article 30, clause b), of section I of our Magna Carta, which establishes that "Mexicans by naturalization are: 1.- The foreigners who obtain from the Ministry of Foreign Relations a naturalization certificate." This wording of the law is clearly deficient, since, precisely because of its regulatory nature, the law should say that, in order to obtain the naturalization certificate to which the Political Constitution refers, foreigners should submit to the procedures and requisites required by the same in order to obtain the certificates in question. For this reason, the words, "in accordance with the present law", are added to the present text of section I, article 2.

The second clause of article two does not require, as it should, that a foreign woman who contracts marriage with a Mexican in order to acquire our nationality, renounce expressly her nationality of origin and protest allegiance to our country. In order to introduce this new requirement, it was necessary to modify the said clause II in the amended form, by which it is hoped to reaffirm the national unity in matrimony and to avoid many conflicts of dual nationality which create problems, difficult of solution, with both domestic and international aspects.

The complete text of article 2 of the Law was then amended as follows:

Article

Security: UNCLASSIFIED Enclosure No. 3 to Dispatch No. 1185

Article 10.--Absence from the country does not interrupt the residence required by the preceding article provided that it does not exceed six months during the periods of three years and one years respectively, or that if it should be longer that it be with permission from the Ministry for Foreign Affairs.

Article 12.--The interested party shall prove the following facts to the District Judge:

I.--That he has resided in the Republic for at least five or six years, as the case may be, and that he has not interrupted such residence.

II.--That during the time of his residence he has observed good conduct.

III.--That he has in Mexico a profession, industry, occupation or income to support himself.

IV.--That he can speak Spanish.

V.--That he is current in the payment of his income tax or that he is exempt.

The applicant shall attach to his initial request a duplicate copy of the application referred to in article 9 or a certified copy issued by the Ministry for Foreign Affairs.

Article 17.- This article of the previous Law did not require of the foreigner who became naturalized an express renunciation of his former nationality, but it limited itself to the compromise of not permitting him to invoke before the Republic any inherent right of his former nationality. It was essential to amend this provision to the end that it should clearly state the express renunciation of their nationality of origin, which should be made by foreigners in accordance with international right, a renunciation which should be formal, definitive, and without reservations of any kind, to the end that upon naturalizing themselves as Mexicans they may cease to have their former nationality and thus avoid dual nationalities. The article should also impose upon the [illegible] a complete renunciation forever of all submission, obedience and fidelity to any foreign government, and [illegible] especially, to that of which the applicant may have been a subject.

It is also [illegible] this information on the matter--[illegible] the requisition of the renunciation and the [illegible], and by the [illegible] the time and the cases in which

foreigners

SECURITY : UNCLASSIFIED Enclosure No. 3 to Despatch No. 1185

foreigners may make them, that these may have always a real constant and effective character--that it be expressed also that the foreignor who in any manner demonstrates by his conduct that upon making these renunciations and protests he did so with mental reservations, in a fraudulent manner, or without real intention, definitive and permanent, to abide by them, shall remain subject to all the legal sanctions which the same law and any other disposition may impose or can impose in the future.

For these reasons, in accordance with the initiative of the Executive, article 17 was worded to say the following:

> Article 17.--The interested party shall submit to the Ministry for Foreign Affairs through the District Judge an application for his Certificate of Naturalization, in which he renounces expressly to his nationality of origin, as well as to all submission, obedience and fidelity to any foreign government, especially to that of which the applicant may have been a subject; to all protection foreign to the laws and authorities of Mexico and to all rights which may be granted to foreigners under Treaties or International Law; and protesting, in addition, allegiance, obedience and submission to the laws and authorities of the Republic. These renunciations and protests shall be ratified before the Judge, in the cases of ordinary naturalization.
>
> When it is shown that the alien, upon making the renunciations and protests referred to in the preceding article, has done so with mental reservations, in a fraudulent manner, or without a true, definite and permanent intention of binding himself thereto, he shall be subject to all the legal sanctions which this law, or any other regulation, imposes or may impose in the future.

Articles 21 and 21.- Article 2, section III, of the former law granted privileged naturalization to those who were born abroad of an alien father and a Mexican mother; it did not grant a similar privilege to many other persons who were born abroad and have ascendants of Mexican nationality by birth. It was deemed convenient to change this provision to extend the concession of privileged naturalization to such foreigners as may have a Mexican ancestor by birth, whenever the relationship is of the first or the second degree. These persons have Mexican blood and a very recent connection with our country through their ancestry; it is, therefore, [illegible] grant them, at least the same advantage of privileged naturalization that is granted to

other

The right to renounce Mexican nationality referred to in this article may not be exercised when Mexico is in a state of war.

Article 56.- Reference has been made already to the disposition contained in this article in connection with the repeal of the second paragraph of article 29 of the law previously in force.

Actual practice has demonstrated that in a large number of cases, owing to the existing facilities provided by the Law of Public Registry, that those interested in obtaining their naturalization, or simply with any other motive in mind, obtain--after reaching their adulthood--certificates from the Civil Registry relating to their births which do not correspond to the true facts. To avoid these constant anomalies which in many cases have been brought to the attention of the office of the Attorney General of the Republic by the Ministry of Foreign Relations, it was deemed convenient to include this new article 56 within the general provisions of the Ley de Extranjería, to the end that the Ministry of Foreign Relations may be empowered to exact supplementary proofs whenever the certificates of birth presented were not executed within the periods designated by the respective laws. This disposition simply attempts to provide the Executive with the means of avoiding frauds relating to our nationality. Its text is as follows:

Article 56.--In all nationality matters the Ministry for Foreign Affairs is authorized to require such supplemental proofs as it deems necessary when the acts of birth presented by the interested parties have not been executed within the periods designated by the respective laws.

Article 57.- It has been observed in many cases that persons who have the nationality of Mexico and another foreign nationality by virtue of the conflict of the national laws, apply for certificates to the effect that they have the quality of Mexicans. It is considered necessary in this case to give the Ministry of Foreign Relations the power, when dual nationality on the part of the applicant is suspected, to require of him the renunciation of any other foreign nationality he may have before issuing to him a Mexican nationality certificate. In this manner, it will be possible to avoid frauds and, at the same time, to reduce the number of cases of dual nationality, which is the tendency of all of the national legislation and of international law in the matter of nationality. The wording of this article is as follows:

Article 57.--

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Excerpts from Exhibits to the Government's Statement

TRANSLATION FROM SPANISH INTO ENGLISH 109

SECRETARY OF GOVERNMENT'S OFFICE
HEAD OF THE IMMIGRATION DEPARTMENT.

DOROTHY GOULD DE BURNS, a Mexican citizen, (a long word is crossed out) acquired automatically by marriage, as accredited by me with (word crossed out) the pertinent certificate, No..... before you .....I say, that :

1) Notified to receive information.

2) I authorize to receive them.....

3) Miss Rollande de Graffenried de Villars, a Swiss citizen and residing at Lausanne, Switzerland, is my daughter, as I affirm with .....

It is my desire that my daughter stays at my side, for this purpose I hereby request from you in writing, to grant admission into the Country of same, who, being a minor, since being 19 years of age, cannot travel alone.....

My petition is based on articles 60, 65 and 72, etc..etc.., of General Law of Pupolation.

In view of the foregoing.....

1) Having stated the reasons mentioned above in order to admit into the country, my daughter, Miss.....and her housekeeper...

2) To grant both the status of immigrants.

3) Under articles 75 of the aforementioned law, set a bond.....

4) To send a draft to Foreign Office so that this office get in touch with our Consulate in Lausanne, Switzerland, so that they issue the documents to both persons

"G"

Govt. Ex. 4-E

GOVERNOR OF THE FEDERAL DISTRICT
GOVERNMENT'S OFFICE

I, Dorothy Gould de Burns, in my own right and pointing out in order to hear notifications the bureau (or office) 101 of the house number 44 of the streets of Venustiano Carranza of this City, respectfully appear before you and state :

In view of evidencing to the authorities, interior and foreign authorities, my regular residence in this city of Mexico, I hereby request in writing, that the Office of the Govenrment of which you are in charge, to issue at my own expense the said certificate and I authorize attorney Lic. Francisco Liguori Jimenez to pick it up in my own name.

I state that I live in this City of Mexico, Federal District, usually, at the conjugal residence which the house number 411 of Avenida Chapultepec, and my husband is Mr. Archibaldo Burns, mexican citizen by birth through whom I have acquired the Mexican nationality by marriage to him, as per certificate issued by Secretary of Foreign Affairs.

IN VIEW OF THE FOREGOING, I, REQUEST FROM YOU HONORABLE GOVERNOR, to instruct the issuance of a certificate of residence or neighborhood certificate to me as requested, and the person mentioned in the body of this letter is hereby authorized to pick it up.

Mexico, D.F., April 4, 1946.

Dorothy Gould de Burns is handwritten.

"H"

it/

E 121

Excerpts from Exhibits to the Government's Statement

6 " LA GAULOISE "

Juan-Les-Pins, Feb. 27, 1962

To: Dorothy GOULD
"La Pauline"
LES PINCHINATS

Dear Madame :

This morning I had a long interview (talk) with the Central Inspector for Direct Contributions at Antibes.

After giving exact details which were given to me by Mr. Chambraud, he accepted, since your good faith could not be placed in doubt and since there were error here and there, not to inflict (impose) penalties, and held to the minimum rate of interest for the undeclared impositions.

He will forward to you without delay a detailed statement of your taxation, based on request for spreading out formulated by Mr. Chambraud.

The Collector whom I had already contacted shall be advised by the Direct Taxation, and you will only have to wait for the advice for payment.

On the occasion of this visite, I personally gave the Central Inspector your 1961 declarations.

Yours very truly,

it/ "I" signature (illegible)

E 122

Excerpts from Exhibits to the Government's Statement

TRANSLATION FROM SPANISH INTO ENGLISH. PLEASE NOTE THAT THIS DOCUMENT IS NOT VERY LEGIBLE & UNCLEAR.

****

The Senior Official Of The Foreign Affaisr Department ?

C E R T I F I E S : That Mrs. DOROTHY GOULD DE BURNS, has proved to this Office that she has her residence in the Mexican Republic, and that she has contracted marriage with Mr. Archibald Burns having Mexican nationality, on the 24th. of May 1944 ; for which reason the above mentioned Lady is included in the section of the law article 2 section II of the said law of nationality and naturalization in force, and she acquired the Mexican nationality as of the date of her marriage.

At the request of the party in question, and for legal use which may be convenient to her, I issue this certificate in the city of Mexico, in the second day of the month of January, nineteen hundred and forty five.

Attorney, Pablo Campos Ortiz.

signature (illegible)

The Director General
Of The Legal Matters

signature (illegible), Attorney Jose L. Casado.

Certificate Of Mexican Nationality No.6 issued in favor of Dorothy Gould de Burns. Issue VII/521.5/66369

****

"J"

it/

E 123

Excerpts from Exhibits to the Government's Statement

memorandum

May 21, 1974

to: Miss Marilyn J. Dearsman
Acting Revenue Service Representative

from: Dennis R. Cyr
Revenue Agent
Mexico City

subject: Estate of Dorothy Gould Burns
Mexico City

On May 20, 1974, Eva Corral and I visited Sr. Lic. Teodulo Angeles Zurita at the office of the Oficialia Mayor, Secretaria de Governacion. We were allowed to inspect the immigration files of Mrs. Dorothy Gould de Burns. Lic. Zurita was extremely nervous about showing the files to us and would not permit any photocopies to be made. Two files were perused. The numbers on the files were 4/351"45"/20870 and 4/199972. Lic. Zurita said that both these numbers belonged to Dorothy Gould de Burns. The former being the prior file number with the latter being the new file number. However, one file (4/199972) had the name of Rolande de Graffenreid on the cover. In this file there was a letter in Spanish from Dorothy Gould de Burns requesting entry from France into Mexico for Rolande, her daughter. We were unable to transcribe this letter because of Lic. Zurita's anxiety and the shortness of time in which we were permitted to examine the files.

We did nowever copy by hand the certificate of nationalization of Dorothy Gould de Burns (see attached). The information herein is all that we can possibly hope to obtain from the Mexican Immigration files.

Dennis R. Cyr

Attachment

Internal Revenue Service

"K"

747

- VII/521.5/66369.

(748)

Chief Div. Trad. & Economic Controls

1/3/45

Dorothy Gould de Buenos has been issued a certificate of Mex Nat'l #6 dated 1/2/45. in relation to. Lic doc # 34911 file 4/354.3"43"/1907 dated 9/28/44.

El Div Gen.

Lic. Jack L. Cross

[illegible]

ARTICLE 30 OF THE MEXICAN POLITICAL CONSTITUTION

"Mexican nationality is acquired by birth or by naturalization.

(a) Mexicans by birth are:

I. Those who are born in the territory of the Republic, whatever be the nationality of the parents.

II. Those who are born in a foreign country of Mexican parents: of a Mexican father and foreign mother, or of a Mexican mother and an unknown father, and

III. Those born on Mexican vessels or airships, either war or merchant vessels;

(b) Mexicans by naturalization are:

I. Foreigners who obtain letters of naturalization from the Secretariat of Relations, and

II. The foreign woman who contracts matrimony with a Mexican and has or establishes her domicile within the national territory." (added 1/18/34).

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Excerpts from Exhibits to the Government's Statement

Citizen Secretary of Foreign Relations
General Directorate of Juridical Affairs

To wit:

Cynthia Mac Pherson Boyd, of previous nationality American, civil status married and with domicile at Londres 190 Depto. 202, sincerely declare:

That I come to solicit from you the granting to me of a certificate of Mexican nationality, basing this in that I have my residence in national territory and contracted marriage the 8/17/57 with Mr. Victor Manuel Villaseno Curbelo of Mexican nationality, which I prove with the documents attached (1).

By this device I make express renunciation of my American nationality as well as all submission, obedience and loyalty to whatever foreign Government, specially that of the United States of which I have been a subject; to all protection foreign to the laws and authorities of Mexico and to all right that treaties or International Law grants to foreigners; protesting moreover, adhesion, obedience and submission to the laws and authorities of the Republic of Mexico.

Under oath to speak truth I state that I do not have a title of nobility of which to renounce, but supposing that without my knowledge I should have a right to one, I now make formal renunciation of same, be that outside its source.

Attached the documents that prove my legal stay in the country and which were issued to me by the Secretariat of Interior; a credential with my photograph and two letters endorsed by banking institutions (or commercial) for my identification, as well as two photographs of me. . . , and other documents (1) necessary for the certificate to be issued to me.

[trans.]
(p. 2)

I swear as well that I do not owe the payment of federal taxes on income.

Mexico, D.F. 8/4/69

"M"

E 127

Excerpts from Exhibits to the Government's Statement

703

COPY

DATE 19

MAILED BY

DELIVERED BY

AT

PATTERSON, BELKNAP & WEBB

December 11, 1952.

Mrs. Dorothy Gould Burns
Hotel Weylin
40 East 54th Street
New York, New York

Dear Mrs. Burns:

I am returning herewith your United States passport No. 249 and the letter from the American Embassy in Mexico extending its date to March 29, 1953. The law governing the issuance of United States passports provides that they are to be issued to those persons owing allegiance to the United States, which, of course, includes you. It is further provided that passports are to be issued under such rules as the President may prescribe and are to be valid for a period of two years unless a shorter period duration is prescribed under the rules promulgated by the President.

The above rules provide that a female citizen of the United States who is married to a citizen of a foreign state and resides in that foreign state is entitled to a passport of three to six months duration only. There are no exceptions to this rule, but the whole question as to the issuance of a passport rests in the "discretion" of the President, and a recent case decided in Washington holds that this discretion may not arbitrarily exercised.

/

"N"

E 128

Excerpts from Exhibits to the Government's Statement

704

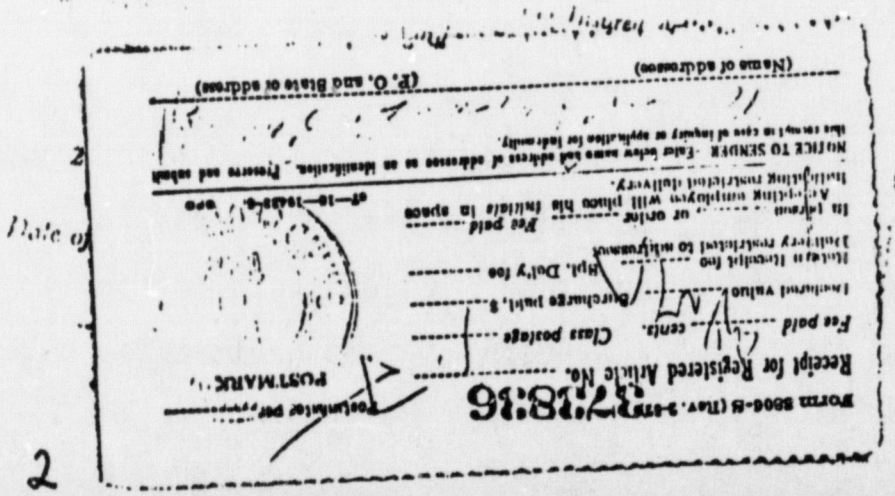
Consoquently, your passport has been regularly issued and is not based on any discrimination due to your previous associations other than the fact that your husband is a citizen of Mexico and that you reside there. It is not inconceivable that if you were to go to Washington and press the point, you could obtain a passport of two years duration; but in view of the fact that you would be asking for an exception to be made in your case simply because of the inconvenience of renewing your passport at more frequent intervals, it seems unwise to do so. Of course, if you ever come to live in the United States, a passport of longer duration would become readily available.

I am sorry that I am unable to help you avoid having to renew your passport every few months but can assure you that it is not due to any prior associations as you might have feared and that your passport can never be arbitrarily withheld for long.

Sincerely,

Enclosures

Registered Mail
Ret. Rept. Req.



AVE. CHAPULTEPEC 411.

Dear Bill,

I had trouble in Miami when I changed

702

trudeaus to come on to Mexico. There seems to be a new sever immigration law but the man was nice and gave me a special permit to leave. It is always the same story about having 2 passports. They ask me for my tourist card for Mexico then they ask for my form 5 which is what americans residing in Mexico need to leave the country. I told them that I have a mexicain passport. The immigration officer said I could get $1,100 fine! I'm going to the Embassy this week to see what I can do - maybe eventually it would be better for me to travel on my mexicain passport and enter the States on my birth certificate. I hope you and your wife had a very nice Christmas. Best wishes to you both.

Sincerely,

Dorothy Gould Burns.

697

COPY

PATTERSON, BELKNAP & WEBB

DATE 19
MAILED BY
DELIVERED BY
AT

January 26, 1953

Mrs. Dorothy Gould Burns
411 Ave. Chapultepec
Mexico City, Mexico

Dear Mrs. Burns:

Mrs. Lindsay called this morning and told me of your difficulties in leaving Mexico. I did not fully understand them but did gather that they stem from your having two passports. I am very sorry to learn of them and hope that you will call on me if I can be of any help and that your trip to New York will not be too long delayed.

700

passport the americans have to give me
a visa if the State, or my mexican or
would you be kind enough to let me
know immediately if it would be
bad at the moment of my interitance to
have a mexican passport? I've always
understood that Grandfather should [illegible] the
interitance Taxes? would you be kind enough to answer me.
Taxes for me if I have a mexican passport
maybe on the contrary I will pay less Taxes
residing in a foreign country?

With my best [illegible]

E 133

Excerpts from Exhibits to the Government's Statement

674

COPY

PATTERSON, BELKNAP & WEBB

DATE
MAILED BY
DELIVERED BY
AT

February 17, 1953

Mrs. Dorothy Gould Burns
Ave. Chapultepec, 411
Mexico City, Mexico

Dear Mrs. Burns:

I spoke with Mr. Young of the Department of State in Washington on the telephone last Friday and again today. I inquired whether your U. S. passport was to be issued forthwith. He informed me that the Department was now considering the question of whether you have lost your United States citizenship. He did not give me any indication of what the answer was to be. The indecision stems from your two marriages abroad, your long residence abroad and, principally, the fact that you obtained a Mexican Nationality Certificate. It is my impression that you will be held to have remained an American citizen and, if so, your passport will be renewed; but as long as you are married to a Mexican and residing in Mexico, the passport will be a limited one in point of time.

Mr. Young informed me that the decision will be made concerning your citizenship within the next two weeks so perhaps you had better not renounce your Mexican citizenship prior to that time. Eventually, however, I feel certain you will have to surrender your Mexican passport.

If the results of the Department's deliberations are not satisfactory, we shall probably have to go to Washington and settle them once and for all some time this spring.

Kindest regards,

Sincerely,

9

693

Dear Bill ..

I can't go anywhere until I get my passport - Could you possibly find out what is happening in Washington. It will take me 2 weeks to get my "immigrants" here once I get my new passport in. Hey, give it to me Hey certainly take their time deliberating. This is been going on 2 years!!

Very sincerely Dorothy.

10

E 135

Excerpts from Exhibits to the Government's Statement

691

COPY

PATTERSON, BELKNAP & WEBB

DATE 19

MAILED BY

DELIVERED BY

AT

March 6, 1953

Mrs. Dorothy Gould Burns
Ave. Chapultepec 411
Mexico City, Mexico

Dear Mrs. Burns:

I have your letter of March 2nd and it probably crossed my letter to you of earlier this week in the mails.

You should have heard by now about your passport, the State Department tells me. They would not tell me what they were to tell you. If they did not renew your passport, please let me know at once. To represent you before the Department, I shall probably have to have a power of attorney from you authorizing me to do so. I hope, however, they give you a renewal and that we shall not have to be troubled with them any further.

692

Let me hear about your passport and your plans.

With kindest regards,

Sincerely yours,

690

Friday, March 15th

Dear Bill, I was waiting to have news of my passport to answer your letter of March 6. Three days ago I telephoned the Consulat and spoke to the Vice Consul. He said mine had arrived and told me a rigmarole about their hopes having to pass by other departments before reaching here - I do hope to get a convocation from them soon. I thought that maybe it would be better that I come up after Easter but if you feel it necessary etc I can (hopes crossed) I'll gratefully come when you find best

Very sincerely, Dorothy

E 138

Excerpts from Exhibits to the Government's Statement

687

COPY

PATTERSON, BELKNAP & WEBB

DATE 19

MAILED BY

DELIVERED BY

AT

March 18, 1953

Mrs. Dorothy Gould Burns
Ave. Chapultepec 411
Mexico City D.F., Mexico

Dear Mrs. Burns:

I am dissapointed that you have not heard from the State Department as yet. I am enclosing a copy of a letter I am sending the State Department today. If we don't hear anything right away, I shall go to Washington and try to expedite the matter.

Kindest regards.

Sincerely,

Enclosure

14

SOCIAL SECURITY NO.

686

March 23,

Dear Bill,

Thanks for the letter from Young. I will pass this week at the Consulate. It's annoying but as no one does any business Easter Week. If they renew my passport my immigration papers will probably take 15 days. I'm certainly looking forward to getting to N.Y. soon.

My best

Dorothy

E 140

Excerpts from Exhibits to the Government's Statement

683

COPY

PATTERSON, BELKNAP & WEBB

DATE 19
MAILED BY
DELIVERED BY
AT

March 24, 1953

Mrs. Dorothy Gould Burns
Ave. Chapultepec 411
Mexico City, D.F. Mexico

Dear Mrs. Burns:

Mr. John Curry of the State Department, the adjudicator in charge of your case, informs me as follows:

(1) They have concluded you remain a citizen of the United States.

(2) You remain entitled to a U.S. passport when you travel.

(3) They have before them no application for a renewal of your passport beyond March 29, 1953. However, it is dubious that they will issue you a passport or a renewal simply to live in Mexico or to travel between Mexico and the United States, because it is not necessary for you to have it for such residence and travel. When you wish to go elsewhere, i.e., France, you may readily obtain a U.S. passport to do so. (He assured me you would have no difficulty in this.)

(4) Until you desire to travel elsewhere, they suggest you obtain and keep an "Identification Card", identifying you as a U. S. citizen. This is all you need to enter the U. S. from Mexico.

(5) The Department is not familiar with what you need to leave Mexico as far as the Mexican officials and law are concerned.

Now, first, the decision that you are a U. S. citizen is favorable and we do not wish you to do anything to disturb it. This is true not so much from a U. S. tax standpoint as from the standpoint of the rights and privileges you will enjoy at the time of your father's death. It may help you to avoid any Mexican inheritance taxes then also. It may be that after his estate is settled we shall recommend that you renounce your U. S. citizenship if you are to continue living abroad in order to avoid any gift tax in creating a trust, but this is in the distant future and not a problem now.

16

Second, you are entitled to a U. S. passport when you travel and it is needed. This is also favorable and when you get ready to go to France you should have no trouble obtaining it.

Third, it is impossible for us to give you any definitive advice about how to leave Mexico since we are totally unfamiliar with the intricate Mexican travel restrictions. However, we do not want you to lose your citizenship in making your departure and suggest you do as follows:

(a) Obtain an identification card from the U. S. Consul. This should take no more than five minutes after he is officially notified of the State Department's Ruling. It alone, without a U. S. passport, enables you to come here; and

(b) Either continue to use your Mexican passport and obtain a form "FM8" (Exit Questionaire) to go with it from the Mexican authorities, or renounce your Mexican citizenship, turn in the passport and become either an "immigrante" or an "immigrado" and obtain the pass or book issued to either of these groups.

American Airlines will bring you here if you have the U. S. card, plus either the Mexican passport with form "FM8" or the pass or book issued to "immigrante" or "immigrado" groups, plus a small pox vaccination certificate.

You mentioned something of obtaining a tourist card when you come here to re-enter Mexico. My information indicates you might have some difficulty in Mexico with such a card since you are known to reside there. This may be incorrect so you had better check there before planning to do it. Perhaps it is all right.

Finally, I understand you can obtain an idenficiation card, go to some border town and walk across the border without any trouble at all. Then, when you get ready to return to Mexico you can obtain any of the various entry permits including, perhaps, a tourist card.

I am sure you will bear in mind that these are only suggestions. You probably know much more about each than I and can choose far more wisely. Let me emphasize again, do not do anything in choosing that will put your U. S. citizenship in jeopardy.

E 142

Excerpts from Exhibits to the Government's Statement

678

COPY

DATE 19

MAILED BY

DELIVERED BY

AT

PATTERSON, BELKNAP & WEBB

April 2, 1953

Mrs. Dorothy Gould Burns
Avenue Chapultepec 411
Mexico City D. F., Mexico

Dear Mrs. Burns:

I am enclosing a photostatic copy of a letter which I received from the State Department today, together with my reply to Shipley.

I think the consul in Mexico City has been notified of your eligibility to obtain a card of identity. If not, show them the photostatic copy of this letter. If still unable to obtain the card, please notify me immediately.

After you obtain your card of identity and if you do not keep your Mexican passport, please go to the Mexican authorities and request an immigrante. My information here, contrary to what you were told at the United States Consulate, is that you will be given an immigrante. If they refuse to give you an immigrante, I suggest either that you go to the border and come here to open the Lincoln, or that you try leaving on the plane with your Mexican passport and your card of identity.

Unless you are applying for a United States passport to go to France, I do not believe you will get one. In the event that you want to go to France, you will doubtless get one. It does not seem wise to wait for a United States passport to come here.

Again, let me hear from you right away about the identity card and the immigrante, etc.

Kindest regards.

Sincerely,

74-38-3704

E 143

Excerpts from Exhibits to the Government's Statement

Monday 673
4/15/57

Dear Bill,

now, to my passport - I went yesterday morning and they remind me old one until June 30th 1953. This was in reply to the telegram. They still have not heard from Washington - I just came from American Airlines where I should them both passports and they said the same thing as before that they can not put me on, that I have to have an american visa on my mexican passport a thing which is impossible - so I am as I was before except I am pleased to know that I haven't lost my citizenship - I went yesterday afternoon to a lawyer to revoke my mexican passport and get an immigrante visa. This will take 2 months - I'm so disgusted with the whole thing that I've decided not to come to N. Y. for the moment. My daughter Betsy was to have met me in N. Y. on Tuesday I am now calling her to come here directly - I may come with her later on by going on foot over the border so we may both of us fly Air France to Paris in June - I can leave on my mexican passport with a french visa return to the States on my american passport and get a tourist card in the States to come back - This will allow me more than the 90 days away now awaiting

24

E 144

Excerpts from Exhibits to the Government's Statement

Dear Bill,

I want to hang on to my American passport should if Shirley decides to take it away and I have renewed my Mexican card I'll be without anything. The papers were sent to the State Department about a month ago. They say that I'm a unique case and they can't decide!!! I've spoken with the Vice Consul who says I have a good chance of keeping it but never knows with Shirley. I've only been traveling on both since 10 years. The whole thing is ridiculous. I think the most I can do is to pay the fine of 3.000 pesos

get out of the country and get a tourist card in the States or a place where they won't know I've had a Mexican passport - I can only get to N.Y. like this - With a tourist card I have to get out of the country every six months which suits me fine. I could get out of the country whenever I like actually with this paper - Could you possibly find out from Washington if they are going to take my passport away from me before I return to the Mexican. I have my passport renewed only until March 30, 1953. Many thanks -

Very best

Bobby

TRANSLATION FROM FRENCH INTO ENGLISH

BEFORE Attorney Paul George LAVALETTE, Notary at Perhes, Canton Sud de Melun, (Seine-et-Marne), the undersigned : .....

APPEARED

Mister Jean Marie BAC, formerly pork-butcher, residing at Chailly-en-Biere (Seine-et-Marne).-

And Mister Charles BORELLO, Maitre D'hotel, residing at Barbizon, (Seine-et-Marne).

Who, have hereby declared, that they have known perfectly well Mrs. Helene Margeret KELLY, when she was aline, without profession, residing at Barbizon, at rue de la Belle-Marie, Villa "OKS" where she passe away on August first, nineteen hundred fifty two. She was divorced from her first husband Mr. Franck Gay GOULD, widow of her second marriage to Ralph THOMAS, divorced from her third marriage to Prince Nourredine bey Effendi VLORA, and divorced from her fourth marriage to Mr. Oscar BURKE.

And they have attested to the truth, as being of public knowledge (evidence), and to their personal knowledge :

That Mrs. KELLY died at the place and date mentioned above.

That after her death, no inventory has been made.

That she is not known to have executed a will, or testamentary disposition.

And that she left as sole heirs, jointly for the whole thing or dividing in half for each.

1st. Mrs. Helene Marguerite GOULD, without profession, spouse of Mr. Edouard MARET, farmer, with whom she lives at Mont-sur-Lausanne (Switzerland) "Les Planches"

Said Lady born on the 19th. day of September, Nineteen Hundred and Two, in New York, (nited States Of America). ----------

Notarized After
the death of Mrs.
KELLY - Oct. 26, 1952

"O"

contd. page 2

Married with Mr. MARET under the separate property system under the terms of their marriage received by Attorney RECORDON, Notary at Pully, Canton of VAUD, July 12th, 1943.

2nd. And Mrs. Dorothy GOULD, without profession, spouse of Mr. Archibald BURNS, without profession, with whom she lives in Mexico City, D.F. (Mexico) 411, Chapultepec Avenue. ----------

The said Lady is a United States citizen, she was born in New York on March the twenty fourth, Nineteen Hundred and Four. ----------

Married to Mr. BURNS, under the separate property system.

Her two daughters issue of her first marriage.

In support of their declarations with respect to the death, the appearing parties presented to the Notary who undersigns, an extract of the Death Certificate of Mrs. KELLY, registered in the County Clerk Register of the Canton or Commune of Barbizon; which extract was issued by the Mayor of said Commune on August 7, 1952, remains annexed hereto after mention.

It is to be observed that the heirs and those having right to the succession are compelled to obtain the forwarding in special possession provided by articles 802 and 804 of the General Code of Taxes with respect to movable and immovable properties, whatever their nature is, either deposited (registered) or existing abroad in order to justify their inheritence quality and to have the inheritance values delivered to them under the aforementioned articles.

THIS CONSTITUTES A PUBLICATION

Made and registedred at Barbizon, rue de la Belle-Marie, Ville "OKS" residence of the late Mrs. KELLY.

The year Nineteen Hundred and Fifty Two, October twenty Six.

After reading it to the parties present signed together with the Notary. Signatures follow.

The following mention appear :

contd. on page 3

" Registered at Melun A.C. on October 29, 1952, volume 537 folio

" 29 No.510. List 321-15.

" Receipt : 690 Francs

" Signed : SAVANIER.

The enclose follows, Department of Seine- et- Marne, Melun Arrond. City of Barbizon.

EXTRACT FROM THE REGISTERS OF BIRTH-DEATH OF THE Commune of Barbizon (S. et. M.).

1952 DEATH.

No.30 The First of August Nineteen Hundred and Two, at 13:05 hrs. Helene Margaret KELLY, of rue de la Belle-Marie died, born in New York (United States of America) January 4, 1884, without profession, domiciled in New York, daughter of Edward KELLY and of Helen PERSOLL, spouse deceased, divorced from her first marriage to Franck Gay GOULD widow of her second marriage to Ralph THOMAS, deceased on the 27th. of January, 1915, divorced from her third marriage to Nourredine VLORA on the 10th. of October 1922 and divorced from her fourth marriage to Mr. Oscar BURKE.

Executed on August 2, 1952, at 18:30 hours on the declaration of Charles BORELLO, 45 years of age, Maitre d'hotel, rue de la belle Marie at Barbizon, who after reading it signed with us Jean CREUZE, Mayor of Barbizon. True extract. Second & Last role.

STAMP (ILLEGIBLE) Barbizon, August 7, 1952. The Mayor; CREUZE. After this follow this : "Annexed to the minute of an act received by "Le LAVALETTE, Notary at Perthes (Seine-et-Marne), undersigned, the 26 of October 1952. Signed : LAVALETTE.

The undersigned Attorney Lavalette, that this copy contained in two rolls does not have erasures and mutilations.

APPROVED FOR THE LEGALIZATION OF THE SIGNATURE OF ATTORNEY ?AFFIXED, DATE: MARCH 17, 1953. BY DELEGATION OF THE GUARDIAN OF THE SEAL, MINISTER OF JUSTICE, THE HEAD OF THE OFFICE: SIGNATURE.

contd. on page 4

Approved by us BARAT
Since the President of the Court Of
First Instance was unable, for the
Legalization of the signature of Me.
Lavalette, Notary,
MELUN, March 14, 1952.
signature : (illegible)

Legalization of the signature of Mr. Mogaret ?
The Minister of Justice, Paris, 3/17/53.
For the Minister : By Proxy.

A Group of Eight Rubber Stamps : Tax, French Rep.
Ministry of Foreign Affairs.

Republic of France,
The Last Portion Is In English.

****

Translator: Ike Trabout
N.Y.Supreme Court

E 150

Excerpts from Exhibits to the Government's Statement

FORM 1116 (Rev. Nov 1950) U.S. Treasury Department Internal Revenue Service

STATEMENT IN SUPPORT OF CREDIT FOR TAXES PAID OR ACCRUED TO A FOREIGN COUNTRY OR A POSSESSION OF THE UNITED STATES

(File a separate Form 1116 for each foreign country or possession of the U.S.)

To be filed by an individual, Partnership, or Fiduciary

For calendar year 19..... , or other taxable year beginning ....., 19 ....., and ending ....., 19.....

1. Name DOROTHY GOULD BURNS c/o William L. Matheson

2. Address: Number and Street One Rockefeller Plaza City or Town, and State New York 20, N. Y.

3. Name of foreign country or U.S. possession imposing tax France

4. Character of tax (Income, war profits, or excess profits) Income

5. Statute imposing tax[1] (To be named fully and clearly so as to be easily identified) Proportional tax and tax under decree May 20, 1955

PART I

TO BE FILLED IN BY INDIVIDUAL OR FIDUCIARY CLAIMING CREDIT[2]

(Election to claim this credit precludes deduction from income of any foreign income or profits tax)

6. Claim for credit is made by the taxpayer named above, who (if an individual) is a citizen or subject of (Name of country) U.S., and is a resident of (Name of country) France, based on income received [X] or accrued [ ] for the taxable year stated above, for taxes paid [X] or accrued [ ][3] as follows:

SCHEDULE A—Claimant's Proportionate Share of Taxes Paid or Accrued by a Partnership, Estate, or Trust

7. (a) Name of partnership, estate, or trust .....

(b) Address .....

8. (a) Name of fiduciary (if an estate or trust) .....

(b) Address .....

9. Character and extent of claimant's interest in partnership, estate, or trust .....

10. Both date of accrual of the tax and date of payment (if paid) must be given:

Date of accrual ..... Date of payment .....

11. Total tax paid or accrued[4] by partnership or fiduciary in foreign money of ..... which, converted at an exchange rate of[5] ....., equals in dollars ..... $.....

12. Claimant's share of such tax as reported on partnership or fiduciary return ..... $.....

13. Total income (or loss)[6] from partnership or fiduciary ..... $.....

14. Portion of income (or loss) in Item 13 from sources within this foreign country or possession of the United States ... $.....

FOOTNOTES

[1] If there is more than one tax, clearly indicate the character of each, the statute under which it is imposed, and the person by whom it was paid or accrued.

[2] For persons entitled to credit see section 901(b) on page 4. However, any citizen entitled to the benefits of section 931 (relating to income from sources within U.S. possessions) is not allowed a foreign tax credit. If a fiduciary claims a part or all of the credit for foreign taxes paid or accrued by an estate or trust, the applicable schedules in Part I should be filled in, treating the fiduciary, for the purpose of the computation, as a beneficiary to the extent of undistributed income for the current year.

[3] If income return is based on income "accrued," or if you elect to claim credit for taxes accrued, check in the space provided. (See section 905.)

[4] "Total tax paid or accrued" means tax proper, excluding any amount that represents interest or penalties. If the tax has been actually paid in full, the amount of the tax (excluding interest and penalties) so paid is the amount to be entered in this blank, even though the claim is based on the accrual of the tax.

[5] Give the rate of exchange used and attach a statement describing in reasonable detail why and how this particular rate was determined.

[6] Include all income taxable (or losses allowable) by the United States whether or not taxable (or allowable) by the foreign country or U.S. possession.

E 151

Excerpts from Exhibits to the Government's Statement

FORM 1116 (Rev. Nov 1950) U.S. Treasury Department Internal Revenue Service

STATEMENT IN SUPPORT OF CREDIT FOR TAXES PAID OR ACCRUED TO A FOREIGN COUNTRY OR A POSSESSION OF THE UNITED STATES

(File a separate Form 1116 for each foreign country or possession of the U.S.)

To be filed by an Individual, Partnership, or Fiduciary

For calendar year 19.. 50 ..., or other taxable year beginning ..... 19 ....., and ending ..... 19.....

1. Name Dorothy Gould Burns c/o William L. Matheson

2. Address: Number and Street One Rockefeller Plaza City or Town, and State New York 20, N. Y.

3. Name of foreign country or U.S. possession imposing tax France

4. Character of tax (Income, war profits, or excess profits) income

5. Statute imposing tax[1] (To be named fully and clearly so as to be easily identified) proportional and progressive surtax

PART I

TO BE FILLED IN BY INDIVIDUAL OR FIDUCIARY CLAIMING CREDIT[2]

(Election to claim this credit precludes deduction from income of any foreign income or profits tax)

6. Claim for credit is made by the taxpayer named above, who (if an individual) is a citizen or subject of (Name of country) U.S. and is a resident of (Name of country) France based on income received ☒ or accrued ☐ for the taxable year stated above, for taxes paid ☒ or accrued ☐[3] as follows:

SCHEDULE A—Claimant's Proportionate Share of Taxes Paid or Accrued by a Partnership, Estate, or Trust

7. (a) Name of partnership, estate, or trust .....

(b) Address .....

8. (a) Name of fiduciary (if an estate or trust) .....

(b) Address .....

9. Character and extent of claimant's interest in partnership, estate, or trust .....

10. Both date of accrual of the tax and date of payment (if paid) must be given:

Date of accrual ..... Date of payment .....

11. Total tax paid or accrued[4] by partnership or fiduciary in foreign money of ..... which, converted at an exchange rate of[5] ....., equals in dollars ..... $.....

12. Claimant's share of such tax as reported on partnership or fiduciary return ..... $.....

13. Total income (or loss)[6] from partnership or fiduciary ..... $.....

14. Portion of income (or loss) in Item 13 from sources within this foreign country or possession of the United States ... $.....

FOOTNOTES

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[3] If income return is based on income "accrued," or if you elect to claim credit for taxes accrued, check in the space provided. (See section 905.)

[4] "Total tax paid or accrued" means tax proper, excluding any amount that represents interest or penalties. If the tax has been actually paid in full, the amount of the tax (excluding interest and penalties) so paid is the amount to be entered in this blank, even though the claim is based on the accrual of the tax.

[5] Give the rate of exchange used and attach a statement describing in reasonable detail why and how this particular rate was determined.

[6] Include all income taxable (or losses allowable) by the United States whether or not taxable (or allowable) by the foreign country or U.S. possession.

FORM 1116
(Rev. December 1961)
U.S. Treasury Department
Internal Revenue Service

STATEMENT IN SUPPORT OF CREDIT CLAIMED BY AN INDIVIDUAL OR FIDUCIARY FOR TAXES PAID OR ACCRUED TO FOREIGN COUNTRIES OR POSSESSIONS OF THE UNITED STATES

For Calendar Year _____

Or other taxable year beginning _____, 19____, and ending _____, 19____

SOCIAL SECURITY NO.

EMPLOYER IDENTIFICATION NO.

NAME	ADDRESS (Number and street, city or town, postal zone number, State)	RESIDENT OF (Name of country)	CITIZEN OF (Name of country)
Dorothy Gould Burns	c/o William L. Matheson, 1 Rockefeller Plaza New York 20, N.Y.	FRANCE	US

If the per-country limitation is elected, fill in columns 1 through 13, line by line; use total line only for column 13. If the overall limitation is elected, fill in columns 1 through 6, line by line including total line; use total line only for columns 7 through 13.

LINE	(1) NAME OF FOREIGN COUNTRY OR U.S. POSSESSION IMPOSING TAX (Use a separate line for each)	(2) CREDIT CLAIMED FOR TAXES: Date paid	(2) CREDIT CLAIMED FOR TAXES: Date accrued	(3) TYPE OF TAX	(4) STATUTE IMPOSING TAX (Title, number, section, etc.)	(5) TAXABLE INCOME (OR LOSS) (Income from sources without the U.S. less allocable deductions)	(6) TAXES PAID OR ACCRUED (Attach receipt or return): (a) In foreign currency	(6) (b) Conversion rate	(6) (c) In dollars
A	France	1962	1962	income	Law of 12/28/59 Art. 19	$28,357.90		204	$3,402.95
B									
C									
D									
E									
F									
G									
H									
I									
J									
K									
L									
M									
					TOTAL				

LINE	(7) CARRYBACK OR CARRYOVER (Attach schedule)	(8) TOTAL FOREIGN TAXES (Sum of columns 6c and 7)	(9) TOTAL U.S. INCOME TAX	(10) TAXABLE INCOME FROM ALL SOURCES	(11) COLUMN (5) DIVIDED BY COLUMN (10)	(12) LIMITATION (Column (9) multiplied by column (11))	(13) ALLOWABLE CREDIT (Column (12) or column (8) whichever is less)
A							
B							
C							
D							
E							
F							
G							
H							
I							
J							
K							
L							
M							
TOTAL		$3,402.95	$7,245.66	$21,063.59	100%	$7,245.66	$3,402.95

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Excerpts from Exhibits to the Government's Statement

FORM 1116
(Rev. December 1961)
U.S. Treasury Department
Internal Revenue Service

STATEMENT IN SUPPORT OF CREDIT CLAIMED BY AN INDIVIDUAL OR FIDUCIARY FOR TAXES PAID OR ACCRUED TO FOREIGN COUNTRIES OR POSSESSIONS OF THE UNITED STATES

For Calendar Year 63

Or other taxable year beginning ..... 19..... and ending..... 19.....

SOCIAL SECURITY NO. 074-38-3904

EMPLOYER IDENTIFICATION NO.

NAME: DOROTHY GOULD BUCKS

ADDRESS (Number and street, city or town, postal zone number, State): C/O W. L. MANICSON, 277 PARK AVENUE, NEW YORK, N.Y. 10017

RESIDENT OF (Name of country): FRANCE

CITIZEN OF (Name of country): USA

If the per-country limitation is elected, fill in columns 1 through 13, line by line; use total line only for column 13. If the overall limitation is elected, fill in columns 1 through 6, line by line including total line; use total line only for columns 7 through 13.

LINE	(1) NAME OF FOREIGN COUNTRY OR U.S. POSSESSION IMPOSING TAX (Use a separate line for each)	(2) CREDIT CLAIMED FOR TAXES: Date paid	(2) CREDIT CLAIMED FOR TAXES: Date accrued	(3) TYPE OF TAX	(4) STATUTE IMPOSING TAX (Title, number, section, etc.)	(5) TAXABLE INCOME (OR LOSS) (Income from sources without the U.S. less allocable deductions)	(6) TAXES PAID OR ACCRUED (Attach receipt or return): (a) In foreign currency	(b) Conversion rate	(c) In dollars
A	FRANCE	1963	1963	INCOME		21,551.49		.2e1to1	2,586.18
B									
C									
D									
E									
F									
G									
H									
I									
J									
K									
L									
M					TOTAL	21,551.49			2,586.18

LINE	(7) CARRYBACK OR CARRYOVER (Attach schedule)	(8) TOTAL FOREIGN TAXES (Sum of columns 6c and 7)	(9) TOTAL U.S. INCOME TAX	(10) TAXABLE INCOME FROM ALL SOURCES	(11) COLUMN (5) DIVIDED BY COLUMN (10)	(12) LIMITATION (Column (9) multiplied by column (11))	(13) ALLOWABLE CREDIT (Column (12) or column (8) whichever is less)
A		2,586.18	NONE	—	—	—	—
B							
C							
D							
E							
F							
G							
H							
I							
J							
K							
L							
M							
TOTAL		2,586.18	NONE		—	—	

FORM 1116 (Rev. December 1961)

WILLIAM A. TIPTON

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Excerpts from Exhibits to the Government's Statement

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Excerpts from Exhibits to the Government's Statement

FORM 1116 (Rev. Nov. 1964)

U.S. Treasury Department
Internal Revenue Service

STATEMENT IN SUPPORT OF CREDIT CLAIMED BY AN INDIVIDUAL OR FIDUCIARY FOR TAXES PAID OR ACCRUED TO FOREIGN COUNTRIES OR POSSESSIONS OF THE UNITED STATES

For Calendar Year 64

Or other taxable year beginning _____, 19____, and ending _____, 19____

SOCIAL SECURITY NO. 074-38-3904

EMPLOYER IDENTIFICATION NO.

NAME: DOROTHY GOULD BUENS

ADDRESS (Number and street, city or town, postal zone number, State): % W.L. MATHESON, 277 PARK AVENUE, NEW YORK, N.Y. 10017

RESIDENT OF (Name of country): FRANCE

CITIZEN OF (Name of country): U.S.A.

If the per-country limitation is elected, fill in columns 1 through 13, line by line; use total line only for column 13. If the overall limitation is elected, fill in columns 1 through 6, line by line including total line; use total line only for columns 7 through 13. Computation is made under per-country limitation [X] overall limitation [ ].

LINE	(1) NAME OF FOREIGN COUNTRY OR U.S. POSSESSION IMPOSING TAX (Use a separate line for each)	(2) CREDIT CLAIMED FOR TAXES: Date paid	(2) CREDIT CLAIMED FOR TAXES: Date accrued	(3) TYPE OF TAX	(4) STATUTE IMPOSING TAX (Title, number, section, etc.)	(5) TAXABLE INCOME (OR LOSS) (Income from sources without the U.S. loss allowable deductions)	(6) TAXES PAID OR ACCRUED (Attach receipt or return): (a) In foreign currency	(b) Conversion rate	(c) In dollars
A									
B									
C									
D									
E									
F									
G									
H					TOTALS				
Use this line for computation of overall limitation only									
INTEREST (See instruction G)	FRANCE	1964	1964	INCOME		23,007.18		.30408	2,760.86
					TOTALS	23,007.18			2,760.86

LINE	(7) CARRYBACK OR CARRYOVER (Attach schedule)	(8) TOTAL FOREIGN TAXES (Sum of columns 6c and 7)	(9) TOTAL U.S. INCOME TAX	(10) TAXABLE INCOME FROM ALL SOURCES	(11) COLUMN (5) DIVIDED BY COLUMN (10)	(12) LIMITATION (Column (9) multiplied by column (11))	(13) ALLOWABLE CREDIT (Column (12) or column (8) whichever is less)
A							
B							
C							
D							
E							
F							
G							
H							
TOTALS							
TOTALS INTEREST	* 2,556.18	5,347.04	11,490.81	32,768.57	.7021	8,067.70	5,347.04
TOTALS	2,556.18	5,347.04	11,490.81	32,768.57	.7021	8,067.70	5,347.04

* 1963

FORM 1116 (Rev. Nov. 1964)

FORM 1116
(Rev. Nov. 1964)

U.S. Treasury Department
Internal Revenue Service

STATEMENT IN SUPPORT OF CREDIT CLAIMED BY AN INDIVIDUAL OR FIDUCIARY FOR TAXES PAID OR ACCRUED TO FOREIGN COUNTRIES OR POSSESSIONS OF THE UNITED STATES

For Calendar Year 1965.

Or other taxable year beginning _____, 19____, and ending _____, 19____

SOCIAL SECURITY NO. 074-38-3904

EMPLOYER IDENTIFICATION NO.

NAME: Dorothy Gould Burns

ADDRESS (Number and street, city or town, postal zone number, State): c/o William L. Matheson, 277 Park Avenue, New York, N.Y. 10017

RESIDENT OF (Name of country): France

CITIZEN OF (Name of country): USA

If the per-country limitation is elected, fill in columns 1 through 13, line by line, use total line only for column 13. If the overall limitation is elected, fill in columns 1 through 6, line by line including total line; use total line only for columns 7 through 13. Computation is made under per-country limitation ☐, overall limitation ☐.

LINE	(1) NAME OF FOREIGN COUNTRY OR U.S. POSSESSION IMPOSING TAX (Use a separate line for each)	(2) CREDIT CLAIMED FOR TAXES: Date paid	(2) CREDIT CLAIMED FOR TAXES: Date accrued	(3) TYPE OF TAX	(4) STATUTE IMPOSING TAX (Title, number, section, etc.)	(5) TAXABLE INCOME (OR LOSS) (Income from sources without the U.S. less allocable deductions)	TAXES PAID (If accrued, see instructions for exchange rate) (a) In foreign currency	(b) Conversion rate	(c) In dollars
A	France	1965	1965	Income		19,086.59		.264	2290.38
B									
C									
D									
E									
F									
G									
H									
	Use this line for computation of overall limitation only — TOTALS					19,086.59			2,290.38
	INTEREST (See instruction G)								
	TOTALS								

LINE	(7) CARRYBACK OR CARRYOVER (Attach schedule)	(8) TOTAL FOREIGN TAXES (Sum of columns 6c and 7)	(9) TOTAL U.S. INCOME TAX	(10) TAXABLE INCOME FROM ALL SOURCES	(11) COLUMN (5) DIVIDED BY COLUMN (10)	(12) LIMITATION (Column (9) multiplied by column (11))	(13) ALLOWABLE CREDIT (Column (12) or column (8) whichever is less)
A							
B							
C							
D							
E							
F							
G							
H							
TOTALS		2,290.38	9,537.66	31,238.40	.6110	5,827.51	2,290.38
INTEREST							
TOTALS							

FORM 1116 (Rev. Nov. 1964)

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Excerpts from Exhibits to the Government's Statement

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Excerpts from Exhibits to the Government's Statement

FORM 1116 (Rev. Nov. 1964)

U.S. Treasury Department
Internal Revenue Service

STATEMENT IN SUPPORT OF CREDIT CLAIMED BY AN INDIVIDUAL OR FIDUCIARY FOR TAXES PAID OR ACCRUED TO FOREIGN COUNTRIES OR POSSESSIONS OF THE UNITED STATES

For Calendar Year 1965.

Or other taxable year beginning _____, 19____, and ending _____, 19____

SOCIAL SECURITY NO. 074-38-3904

EMPLOYER IDENTIFICATION NO.

NAME: DOROTHY GOULD BURNS

ADDRESS (Number and street, city or town, postal zone number, state): % WILLIAM L. MATHESON, 277 PARK AVENUE, N.Y. 10017

RESIDENT OF (name of country): FRANCE

CITIZEN OF (name of country): USA

If the per-country limitation is elected, fill in columns 1 through 13, line by line; use total line only for column 13. If the overall limitation is elected, fill in columns 1 through 6, line by line including total lines; use total line only for columns 7 through 13. Computation is made under per-country limitation ☐ overall limitation ☐

LINE	(1) NAME OF FOREIGN COUNTRY OR U.S. POSSESSION IMPOSING TAX (Use a separate line for each)	(2) CREDIT CLAIMED FOR TAXES: Date paid	(2) CREDIT CLAIMED FOR TAXES: Date accrued	(3) TYPE OF TAX	(4) STATUTE IMPOSING TAX (Title, number, section, etc.)	(5) TAXABLE INCOME OR LOSS (Income from sources without the U.S. less allowable deductions)	(6) TAXES PAID OR ACCRUED: (a) In foreign currency	(6) (b) Conversion rate	(6) (c) In dollars
A	FRANCE	1965	1965	INCOME		19,086.59		.264	2290.38
B									
C									
D									
E									
F									
G									
TOTALS						19,086.59			2,290.38
Use this line for computation of overall limitation only									
INTEREST (See instruction G)									
TOTALS									

LINE	(7) CARRYBACK OR CARRYOVER (Attach schedule)	(8) TOTAL FOREIGN TAXES (Sum of columns 6c and 7)	(9) TOTAL U.S. INCOME TAX	(10) TAXABLE INCOME FROM ALL SOURCES	(11) COLUMN (5) DIVIDED BY COLUMN (10)	(12) LIMITATION (Column (9) multiplied by column (11))	(13) ALLOWABLE CREDIT (Column (12) or column (8) whichever is less)
A							
B							
C							
D							
E							
F							
G							
TOTALS	-	2,290.38	9,537.66	31,238.40	.6110	5,827.51	2,290.38
INTEREST							
TOTALS							

FORM 1116 (Rev. Nov. 1964)

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Excerpts from Exhibits to the Government's Statement

FORM 1116
(Rev. Nov. 1964)

U.S. Treasury Department
Internal Revenue Service

STATEMENT IN SUPPORT OF CREDIT CLAIMED BY AN INDIVIDUAL OR FIDUCIARY FOR TAXES PAID OR ACCRUED TO FOREIGN COUNTRIES OR POSSESSIONS OF THE UNITED STATES

For Calendar Year 1966

Or other taxable year beginning _____, 19____, and ending _____, 19____

SOCIAL SECURITY NO. 074-38-3904

EMPLOYER IDENTIFICATION NO.

NAME: DOROTHY GOULD BURNS

ADDRESS (Number and street, city or town, postal zone number, State): c/o W.L.Matheson, 277 Park Ave., New York, NY

RESIDENT OF (Name of country): France

CITIZEN OF (Name of country): U.S.A.

If the per-country limitation is elected, fill in columns 1 through 13, line by line; use total line only for column 12. If the overall limitation is elected, fill in columns 1 through 6, line by line including total line; use total line only for columns 7 through 13. Computation is made under per-country limitation [X], overall limitation [ ].

LINE	(1) NAME OF FOREIGN COUNTRY OR U.S. POSSESSION IMPOSING TAX (Use a separate line for each)	(2) CREDIT CLAIMED FOR TAXES: Date paid	(2) CREDIT CLAIMED FOR TAXES: Date accrued	(3) TYPE OF TAX	(4) STATUTE IMPOSING TAX (Title, number, section, etc.)	(5) TAXABLE INCOME (OR LOSS) (Income from sources without the U.S. less allocable deductions)	(6) TAXES PAID OR ACCRUED (Attach receipt or return): (a) In foreign currency	(b) Conversion rate	(c) In dollars
A	Netherlands	1966	1966	Income		1,446.04			108.60
B									
C									
D									
E									
F									
G									
H									
	Use this line for computation of overall limitation only				TOTAL				
INTEREST (See instruction G)	France	1966	1966	Income		22,689.58		.204	5,672.15
					TOTALS				

LINE	(7) CARRYBACK OR CARRYOVER (Attach schedule)	(8) TOTAL FOREIGN TAXES (Sum of columns 6c and 7)	(9) TOTAL U.S. INCOME TAX	(10) TAXABLE INCOME FROM ALL SOURCES	(11) COLUMN (5) DIVIDED BY COLUMN (10)	(12) LIMITATION (Column (9) multiplied by column (11))	(13) ALLOWABLE CREDIT (Column (12) or column (8) whichever is less)
A		108.60	19,522.44	44,887.40	.03221483	628.91	108.60
B							
C							
D							
E							
F							
G							
H							
TOTALS							
TOTALS - INTEREST		5,672.15	19,522.44	44,887.40	.5054554	9,867.72	5,672.15
TOTALS							

FORM 1116 (Rev. Nov. 1964)

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Excerpts from Exhibits to the Government's Statement

FORM 1116 (Rev. Nov. 1964)

U.S. Treasury Department
Internal Revenue Service

STATEMENT IN SUPPORT OF CREDIT CLAIMED BY AN INDIVIDUAL OR FIDUCIARY FOR TAXES PAID OR ACCRUED TO FOREIGN COUNTRIES OR POSSESSIONS OF THE UNITED STATES

For Calendar Year 67

Or other taxable year beginning _____, 19____, and ending _____, 19____

SOCIAL SECURITY NO. 074-38-3904

EMPLOYER IDENTIFICATION NO.

NAME	ADDRESS (Number and street, city or town, postal zone number, State)	RESIDENT OF (Name of country)	CITIZEN OF (Name of country)
DOROTHY GOULD BURNS	c/o William L.Matheson,277 Park Av.,NY,NY 10017	France	USA

If the per-country limitation is elected, fill in columns 1 through 13, line by line; use total line only for column 13. If the overall limitation is elected, fill in columns 1 through 6, line by line including total line; use total line only for columns 7 through 13. Computation is made under per-country limitation [X], overall limitation [ ].

LINE	(1) NAME OF FOREIGN COUNTRY OR U.S. POSSESSION IMPOSING TAX (Use a separate line for each)	(2) CREDIT CLAIMED FOR TAXES: Date paid	(2) CREDIT CLAIMED FOR TAXES: Date accrued	(3) TYPE OF TAX	(4) STATUTE IMPOSING TAX (Title, number, section, etc.)	(5) TAXABLE INCOME (OR LOSS) (Income from sources without the U.S. less allocable deductions)	(6) TAXES PAID OR ACCRUED (Attach receipt or return): (a) In foreign currency	(b) Conversion rate	(c) In dollars
A	Netherlands	1967	1967	Income		1,533.97	-	-	230.10
B									
C									
D									
E									
F									
G									
H									
	Use this line for computation of overall limitation only — TOTALS								
INTEREST (See instruction G)	France	1967	1967	Income		3,293.02	Fr.4,053.45	.2031	823.26
					TOTALS				

LINE	(7) CARRYBACK OR CARRYOVER (Attach schedule)	(8) TOTAL FOREIGN TAXES (Sum of columns 6c and 7)	(9) TOTAL U.S. INCOME TAX	(10) TAXABLE INCOME FROM ALL SOURCES	(11) COLUMN (5) DIVIDED BY COLUMN (10)	(12) LIMITATION (Column (9) multiplied by column (11))	(13) ALLOWABLE CREDIT (Column (12) or column (8) whichever is less)
A	-	230.10	7,003.48	22,544.76	.06804108	476.52	230.10
B							
C							
D							
E							
F							
G							
H							
TOTALS							
INTEREST	-	823.26	7,003.48	22,544.76	.14606587	1,022.97	823.26
TOTALS							1,053.36

FORM 1116 (Rev. Nov. 1964)

Form 1116 (Rev. February 1968)
U.S. Treasury Department
Internal Revenue Service

Computation of Foreign Tax Credit
Individual, Fiduciary, or Nonresident Alien Individual
For Calendar Year 1968
Or other taxable year beginning ..... 19..... and ending ..... 19.....

Attach to Form 1040, 1041 or 1040 NR

Name: DOROTHY GOULD BURNS

Resident of (Name of country): France

Social Security number: 074-38-3904

Address (Number and street, city or town and State): c/o William L. Matheson, 277 Park Avenue, New York, N.Y. ZIP code 10017

Citizen of (Name of country): USA

Employer identification number:

Computation is made under: ☒ per-country limitation (fill in columns 1 through 13, line by line); ☐ overall limitation (fill in columns 1 through 6, line by line including total line; use total line only for columns 7 through 13).

LINE	(1) Name of Foreign Country or U.S. Possession Imposing Tax (Use a separate line for each)	(2) Credit is Claimed for Taxes ☒ Paid ☐ Accrued — Date paid	Date accrued	(3) Type of Tax	(4) Statute Imposing Tax (Title, number, section, etc.) (Identify in detail)	(5) Taxable Income from Sources Without U.S. — (a) Gross Income (or loss) (Attach schedule)	(b) Applicable deductions (See Section 862(b)) (Attach schedule)	(c) Taxable income (or loss) (a) less (b)	(6) Taxes Paid or Accrued (Attach receipt or return) — (a) In foreign currency	(b) Conversion rate	(c) In dollars
A	Netherlands	1968		Income		1,673.86	-	1,673.86	-	-	251.08
B											
C											
D											
E											
F											
G											
H											
	Use this line for computation of overall limitation only ▷ ▷ ▷ ▷ ▷ ▷ TOTALS										
	Interest (See instruction H) — France	1968		Income		7,361.21	-	7,361.21	9,114.57 francs	.019015	1,840.30

LINE	(7) Carryback or Carryover (Attach schedule)	(8) Total Foreign Taxes (Sum of columns 6c and 7)	(9) Total U.S. Income Tax (Before credits)	(10) Total Taxable Income From All Sources (Before personal exemptions)	(11) Column (5(c)) Divided by Column (10)	(12) Limitation (Column (9) multiplied by column (11))	(13) Credit (Column (12) or column (8) whichever is less)
A	-	251.08	7,466.62	22,424.35	.07464475	557.34	251.08
B							
C							
D							
E							
F							
G							
H							
Totals							
Interest	-	1,840.30	7,466.62	22,424.35	.32826860	2,451.06	1,840.30

Total foreign tax credit—Enter here and on your tax return ▷ 2,091.38

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Excerpts from Exhibits to the Government's Statement

(Rev. Feb. 1955)
U. S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
(Space for use of District Director) RECEIVED

UNITED STATES GIFT TAX RETURN

(Applicable to Calendar Year 1955 and subsequent calendar years)

CALENDAR YEAR 19[illegible]

(To be executed and filed with the District Director of Internal Revenue for the donor's district AFTER the close of the calendar year and not later than the 15th day of the following April)

Do not write in space below

Donor (Given name, middle name or initial, surname) Dorothy Gould Peters

Address c/o William L. Nathanson, Room 3249, 120 Broadway, New York 5, N. Y.

Residence [illegible] Connecticut Citizenship U.S.A.

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust ☐ Yes ☒ No *or* the making of additions to a trust previously created ☐ Yes ☒ No in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously created trust. ☐ Yes ☒ No
2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits. ☐ Yes ☒ No
3. By the purchase of a life insurance policy ☐ Yes ☐ No *or* the payment of a premium on a previously issued policy ☐ Yes ☐ No, the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously issued policy. ☐ Yes ☐ No
4. By permitting another to withdraw funds from a joint bank account which were deposited by you. ☐ Yes ☒ No
5. By conveying title to another and yourself as joint tenants. ☐ Yes ☐ No
6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship. ☐ Yes ☐ No If "Yes," see section 8 of the instructions.
7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations. ☐ Yes ☒ No
8. By any other method, direct or indirect. ☐ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed under Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? ☐ Yes ☒ No (See section 7 of instructions.)

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse _____
2. Were you married during the entire calendar year? ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date _____
4. Will a gift tax return for this calendar year be filed by your spouse? ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 13 of instructions)

1. Amount of taxable gifts for year (line *j*, Schedule A)	$ [illegible]
2. Total amount of taxable gifts for preceding years (line *e*, Schedule B)	[illegible]
3. Total taxable gifts (item 1 plus item 2)	$ [illegible]
4. Tax computed on item 3	$ [illegible]
5. Tax computed on item 2	[illegible]
6. Tax on taxable gifts for year (item 4 minus item 5)	$ [illegible]

I declare under the penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

(Signature of person, other than taxpayer, preparing this return) (Signature of taxpayer or other person filing return)

(Address of person preparing return) (Address of taxpayer or other person filing return)

(Date) (Date)

Form 709
(Rev. Feb. 1951)
U. S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
(Space for use of District Director)
RECEIVED

UNITED STATES
GIFT TAX RETURN
(Applicable to Calendar Year 1955 and subsequent calendar years)
CALENDAR YEAR 19 57

(To be executed and filed with the District Director of Internal Revenue for the donor's district AFTER the close of the calendar year and not later than the 15th day of the following April)

Do not write in space below

Donor (Given name, middle name or initial, surname): Dorothy Gould Rubin, c/o William L.
Address: [illegible], Apt 33-B, 120 Broadway New York 5, N.Y. (Temporarily residing at
Residence: [illegible] Citizenship: U.S.A.

COPY COPY

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust ☐ Yes ☐ No *or* the making of additions to a trust previously created ☐ Yes ☐ No in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously created trust. ☐ Yes ☒ No
2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits. ☐ Yes ☐ No
3. By the purchase of a life insurance policy ☐ Yes ☐ No *or* the payment of a premium on a previously issued policy ☐ Yes ☒ No, the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously issued policy. ☐ Yes ☐ No
4. By permitting another to withdraw funds from a joint bank account which were deposited by you. ☐ Yes ☒ No
5. By conveying title to another and yourself as joint tenants. ☒ Yes ☐ No
6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship. ☐ Yes ☐ No If "Yes," see section 8 of the instructions.
7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations. ☐ Yes ☐ No
8. By any other method, direct or indirect. ☐ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed under Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? ☐ Yes ☐ No (See section 7 of instructions.)

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse
2. Were you married during the entire calendar year? ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date
4. Will a gift tax return for this calendar year be filed by your spouse? ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 18 of instructions)

2. Amount of taxable gifts for year (line *j*, Schedule A)	$ 300,235.13
3. Total amount of taxable gifts for preceding years (line *c*, Schedule B)	
4. Total taxable gifts (item 1 plus item 2)	$ [illegible]
5. Tax computed on item 3	$ 62,[illegible].27
6. Tax computed on item 2	
7. Tax on taxable gifts for year (item 4 minus item 5)	$ 62,[illegible].27

I declare under the penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

(Signature of person, other than taxpayer, preparing this return) (Signature of taxpayer or other person filing return)

(Address of person preparing return) (Address of taxpayer or other person filing return)

(Date) (Date)

Form 709
(Rev. Feb. 1958)
U. S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
(Space for use of District Director)
RECEIVED

GIFT TAX RETURN

(Applicable to Calendar Year 1935 and subsequent calendar years)

CALENDAR YEAR 19 58

(To be executed and filed with the District Director of Internal Revenue for the donor's district AFTER the close of the calendar year and not later than the 15th day of the following April)

Donor (Given name, middle name or initial, surname)
Dorothy Gould Burns c/o William L. Matheson
Address
70 Pine Street, Rm. 4107, New York, N.Y.
Residence (Nearest Post Office) Provencal Juan, Citizenship U.S.A.

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust ☐ Yes ☒ No *or* the making of additions to a trust previously created ☐ Yes ☒ No in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously created trust. ☐ Yes ☒ No
2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits. ☐ Yes ☒ No
3. By the purchase of a life insurance policy ☐ Yes ☒ No *or* the payment of a premium on a previously issued policy ☐ Yes ☒ No, the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously issued policy. ☐ Yes ☒ No
4. By permitting another to withdraw funds from a joint bank account which were deposited by you. ☐ Yes ☒ No
5. By conveying title to another and yourself as joint tenants. ☐ Yes ☒ No
6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship. ☐ Yes ☒ No *If "Yes," see section 8 of the instructions.*
7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations. ☐ Yes ☒ No
8. By any other method, direct or indirect. ☒ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed under Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? ☐ Yes ☐ No (See section 7 of instructions.)

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse
2. Were you married during the entire calendar year? ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date
4. Will a gift tax return for this calendar year be filed by your spouse? ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 12 of instructions)

1. Amount of taxable gifts for year (line *j*, Schedule A)	$ 10,557.18
2. Total amount of taxable gifts for preceding years (line *e*, Schedule B)	306,728.63
3. Total taxable gifts (item 1 plus item 2)	$317,285.81
4. Tax computed on item 3	$ 65,425.09
5. Tax computed on item 2	62,892.37
6. Tax on taxable gifts for year (item 4 minus item 5)	$ 2,533.72

I declare under the penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

(Signature of person, other than taxpayer, preparing this return) (Signature of taxpayer or other person filing return)

(Address of person preparing return) (Address of taxpayer or other person filing return)

(Date) (Date)

16—57345-1

FORM 709
(Rev. Feb. 1959)
U.S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE

(Stamp for use of District Director)
RECEIVED

UNITED STATES
GIFT TAX RETURN
CALENDAR YEAR 19 61

(To be executed and filed AFTER the close of the calendar year and not later than the 15th day of the following April)

Do not write in this space

Serial No.

DONOR (Given name, middle name or initial, surname)
Dorothy Gould Dunn, c/o William L. Matheson

ADDRESS Webster, Sheffield, Fleischmann, Hitchcock & Chrystie, One Rockefeller Plaza, NY 20, NY

RESIDENCE (Domicile)
France

CITIZENSHIP
U.S.A.

MAY 11 1961

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust ☐ Yes ☒ No *or*
the making of additions to a trust previously created ☐ Yes ☐ No
in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously created trust. ☐ Yes ☐ No
2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits. ☐ Yes ☐ No
3. By the purchase of a life insurance policy ☐ Yes ☐ No *or*
the payment of a premium on a previously issued policy ☐ Yes ☐ No, the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously issued policy. ☐ Yes ☐ No
4. By permitting another to withdraw funds from a joint bank account which were deposited by you. ☐ Yes ☒ No
5. By conveying title to another and yourself as joint tenants. ☐ Yes ☒ No
6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship. ☐ Yes ☐ No If "Yes," see section 8 of the instructions.
7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations. ☐ Yes ☒ No
8. By any other method, direct or indirect. ☐ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed in Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? ☐ Yes ☒ No (See section 7 of instructions.)

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse _____
2. Were you married during the entire calendar year? ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date _____
4. Will a gift tax return for this calendar year be filed by your spouse? ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 18 of instructions)

1. Amount of taxable gifts for year (line *j*, Schedule A)	$ 35,312.51
2. Total amount of taxable gifts for preceding years (line *e*, Schedule B)	317,295.81
3. Total taxable gifts (item 1 plus item 2)	$ 352,608.32
4. Tax computed on item 3	$ 73,901.02
5. Tax computed on item 2	65,425.99
6. Tax on taxable gifts for year (item 4 minus item 5)	$ 8,475.03

I declare under the penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

WLM
(Signature of firm or person other than taxpayer preparing this return)

D.G.D.
(Signature of taxpayer or other person filing return)

William L. Matheson
One Rockefeller Plaza, NY 20, NY
(Address)

(Address)

May 11, 1961
(Date)

(Date)

FORM 709
(Rev. Jan. 1959)
U.S. TREASURY DEPARTMENT
Internal Revenue Service

(Space for use of District Director)
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UNITED STATES GIFT TAX RETURN

CALENDAR YEAR 19.61

(To be executed and filed AFTER the close of the calendar year and not later than the 15th day of the following April)

Serial No.

DONOR (Given name, middle name or initial, surname)
Dorothy Gould Burns

ADDRESS
c/o William L. Matheson
1 Rockefeller Plaza, New York 20, N. Y.

RESIDENCE (domicile)
France

CITIZENSHIP
U S A

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust ☐ Yes ☒ No *or*
the making of additions to a trust previously created ☐ Yes ☒ No
in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously created trust. ☐ Yes ☒ No
2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits. ☐ Yes ☒ No
3. By the purchase of a life insurance policy ☐ Yes ☒ No *or*
the payment of a premium on a previously issued policy ☐ Yes ☒ No, the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously issued policy. ☐ Yes ☒ No
4. By permitting another to withdraw funds from a joint bank account which were deposited by you. ☐ Yes ☒ No
5. By conveying title to another and yourself as joint tenants. ☐ Yes ☒ No
6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship. ☐ Yes ☒ No If "Yes," see section 5 of the instructions.
7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations. ☐ Yes ☒ No
8. By any other method, direct or indirect. ☒ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed in Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? ☐ Yes ☐ No (See section 7 of instructions.)

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse _____
2. Were you married during the entire calendar year? ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date _____
4. Will a gift tax return for this calendar year be filed by your spouse? ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 18 of instructions)

1. Amount of taxable gifts for year (line 7, Schedule A)	$ 120,486.00
2. Total amount of taxable gifts for preceding years (line c, Schedule B)	352,608.42
3. Total taxable gifts (item 1 plus item 2)	$ 473,094.42
4. Tax computed on item 3	$ 102,817.66
5. Tax computed on item 2	73,900.02
6. Tax on taxable gifts for year (item 4 minus item 5)	$ 28,916.64

I declare under the penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

(Signature of firm or person other than taxpayer preparing this return)

(Address)

(Date)

(Signature of taxpayer or other person filing return)

(Address)

(Date)

FORM 709
(Rev. Feb. 1954)
U.S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE

(Space for use of District Director)
RECEIVED

UNITED STATES GIFT TAX RETURN

CALENDAR YEAR 19 62

(To be executed and filed AFTER the close of the calendar year and not later than the 15th day of the following April)

Do not write in space below
Serial No.

Donor (Given name, middle name or initial, surname)
Dorothy Gould Burns

Address c/o William L. Matheson
One Rockefeller Plaze, New York 20, N.Y.

Residence (domicile)
France

Citizenship
U.S.

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust ☐ Yes ☒ No *or*
the making of additions to a trust previously created ☐ Yes ☒ No
in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously created trust. ☐ Yes ☒ No
2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits. ☐ Yes ☒ No
3. By the purchase of a life insurance policy ☐ Yes ☒ No *or*
the payment of a premium on a previously issued policy ☐ Yes ☒ No, the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously issued policy. ☐ Yes ☒ No
4. By permitting another to withdraw funds from a joint bank account which were deposited by you. ☐ Yes ☒ No
5. By conveying title to another and yourself as joint tenants. ☐ Yes ☒ No
6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship. ☐ Yes ☐ No If "Yes," see section 8 of the instructions.
7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations. ☐ Yes ☒ No
8. By any other method, direct or indirect. ☒ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed in Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? ☐ Yes ☐ No (See section 7 of instructions.)

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse _____
2. Were you married during the entire calendar year? ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date _____
4. Will a gift tax return for this calendar year be filed by your spouse? ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 13 of instructions)

1. Amount of taxable gifts for year (line *j*, Schedule A)	$	53,020.00
2. Total amount of taxable gifts for preceding years (line *e*, Schedule B)		473,094.42
3. Total taxable gifts (item 1 plus item 2)	$	526,114.42
4. Tax computed on item 3	$	116,130.04
5. Tax computed on item 2		102,817.66
6. Tax on taxable gifts for year (item 4 minus item 5)	$	13,312.38

I declare under the penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

(Signature of firm or person other than taxpayer preparing this return)

(Address)

4/15/63
(Date)

(Signature of taxpayer or other person filing return)

(Address)

4/15/63
(Date)

E 166

Excerpts from Exhibits to the Government's Statement

Form 709
(Rev. Feb. 1954)
U.S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE

(Space for use of District Director)
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UNITED STATES
GIFT TAX RETURN
CALENDAR YEAR 1954

(To be executed and filed AFTER the close of the calendar year and not later than the 15th day of the following April)

Serial No.

Donor (Given name, middle name or initial, surname)
DOROTHY GOULD BURNS

Address
c/o William Mathesen, 277 Park Avenue

Residence (domicile)
New York 17, New York

Citizenship
U.S.A.

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust ☐ Yes ☒ No *or* the making of additions to a trust previously created ☐ Yes ☒ No in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously created trust. ☐ Yes ☒ No
2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits. ☐ Yes ☒ No
3. By the purchase of a life insurance policy ☐ Yes ☒ No *or* the payment of a premium on a previously issued policy ☐ Yes ☐ No, the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously issued policy. ☐ Yes ☐ No
4. By permitting another to withdraw funds from a joint bank account which were deposited by you. ☐ Yes ☒ No
5. By conveying title to another and yourself as joint tenants. ☐ Yes ☒ No
6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship. ☐ Yes ☐ No. If "Yes," see section 5 of the instructions.
7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations. ☐ Yes ☒ No
8. By any other method, direct or indirect. ☐ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed in Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? ☐ Yes ☐ No (See section 7 of instructions.)

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse _____
2. Were you married during the entire calendar year? ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date _____
4. Will a gift tax return for this calendar year be filed by your spouse? ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 12 of instructions)

1. Amount of taxable gifts for year (line *j*, Schedule A)	$ 2,000.00
2. Total amount of taxable gifts for preceding years (line *c*, Schedule B)	323,114.72
3. Total taxable gifts (item 1 plus item 2)	325,114.72
4. Tax computed on item 3	116,033.60
5. Tax computed on item 2	115,438.04
6. Tax on taxable gifts for year (item 4 minus item 5)	$ 595.56

I declare under the penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

(Signature of firm or person other than taxpayer preparing this return)

(Address)

(Date)

(Signature of taxpayer or other person filing return)

(Address)

(Date)

FORM 709
(Rev. Feb. 1, 58)
U.S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE

(Space for use of District Director)
RECEIVED

UNITED STATES GIFT TAX RETURN

CALENDAR YEAR 19 65

(To be executed and filed AFTER the close of the calendar year and not later than the 15th day of the following April)

Do not write in space below
Serial No.

Donor (Given name, middle name or initial, surname)
DOROTHY GOULD BURNS

Address
c/o William L. Matheson
277 Park Avenue, New York, NY 10017

Residence (domicile)
France

Citizenship
U.S.A.

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No")

1. By the creation of a trust ☐ Yes ☒ No *or*
the making of additions to a trust previously created ☐ Yes ☒ No
in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously created trust. ☐ Yes ☒ No
2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits. ☐ Yes ☒ No
3. By the purchase of a life insurance policy ☐ Yes ☒ No *or*
the payment of a premium on a previously issued policy ☐ Yes ☒ No, the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits; or by relinquishing every such power that was retained in a previously issued policy. ☐ Yes ☒ No
4. By permitting another to withdraw funds from a joint bank account which were deposited by you. ☐ Yes ☒ No
5. By conveying title to another and yourself as joint tenants. ☐ Yes ☒ No
6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship. ☐ Yes ☒ No If "Yes," see section 8 of the instructions.
7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations. ☐ Yes ☒ No
8. By any other method, direct or indirect. ☒ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed in Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? ☐ Yes ☐ No (See section 7 of instructions.)
If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse _____
2. Were you married during the entire calendar year? ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date _____
4. Will a gift tax return for this calendar year be filed by your spouse? ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 18 of instructions)

1. Amount of taxable gifts for year (item *j*, Schedule A)	$ 4,060.25
2. Total amount of taxable gifts for preceding years (item *e*, Schedule B)	528,114.42
3. Total taxable gifts (item 1 plus item 2)	$ 532,174.67
4. Tax computed on item 3	$ 117,720.85
5. Tax computed on item 2	116,655.04
6. Tax on taxable gifts for year (item 4 minus item 5)	$ 1,065.81

I declare under the penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

(Signature of firm or person other than taxpayer preparing this return)

(Address)

(Title)

Dorothy Gould Burns
(Signature of taxpayer or other person filing return)

By William L. Matheson
(Address)

Atty-in-fact
(Title)

E 168

Excerpts from Exhibits to the Government's Statement

FORM 709 (Rev. April 1966)
U.S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE

UNITED STATES GIFT TAX RETURN

CALENDAR YEAR 19..66

(To be executed and filed AFTER the close of the calendar year and not later than the 15th day of the following April)

Donor's First Name and Middle Initial	Donor's Last Name	Social Security Number
DOROTHY GOULD	BURNS	074-38-3904

Address (Number and street, city, State) and Postal ZIP Code: c/o William L. Matheson, 277 Park Avenue, New York, N.Y. 10017

Residence (domicile): France

Citizenship: U.S.A.

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust..... ☐ Yes ☒ No
or the making of additions to a trust previously created..... ☐ Yes ☒ No
in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits;
or by relinquishing every such power that was retained in a previously created trust..... ☐ Yes ☒ No

2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits..... ☐ Yes ☒ No

3. By the purchase of a life insurance policy..... ☐ Yes ☒ No
or the payment of a premium on a previously issued policy..... ☐ Yes ☒ No
the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits;
or by relinquishing every such power that was retained in a previously issued policy..... ☐ Yes ☒ No

4. By permitting another to withdraw funds from a joint bank account which were deposited by you..... ☐ Yes ☒ No

5. By conveying title to another and yourself as joint tenants..... ☐ Yes ☒ No

6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship..... ☐ Yes ☒ No
If "Yes," see section 8 of the instructions.

7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations..... ☐ Yes ☒ No

8. By any other method, direct or indirect..... ☒ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed in Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? (See sec. 7 of instructions.).. ☐ Yes ☐ No

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse _____
2. Were you married during the entire calendar year?..... ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date _____
4. Will a gift tax return for this calendar year be filed by your spouse?..... ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 19 of instructions)

1. Amount of taxable gifts for year (line *j*, Schedule A)		$ 3,000.00
2. Total amount of taxable gifts for preceding years (line *e*, Schedule B)		532,174.67
3. Total taxable gifts (item 1 plus item 2)		$ 535,174.67
4. Tax computed on item 3		$ 118,508.35
5. Tax computed on item 2		117,720.85
6. Tax on taxable gifts for year (item 4 minus item 5)		$ 787.50

Under penalties of perjury, I declare that I have examined this return, including any accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

[illegible] Apr. 17, 1967
(Signature of taxpayer) (Date)

(Signature of preparer other than taxpayer) (Date)

(Address of preparer other than taxpayer)

E 169

Excerpts from Exhibits to the Government's Statement

FORM 709 (Rev. April 1966)
U.S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE

UNITED STATES GIFT TAX RETURN

CALENDAR YEAR 19.67

(See instructions and filing information. File on or before the 15th day of the 4th month after the close of the calendar year but not later than the 15th day of the following April)

DONOR'S FIRST NAME AND MIDDLE INITIAL	DONOR'S LAST NAME	SOCIAL SECURITY NUMBER
DOROTHY GOULD	BURNS	074-38-3904

ADDRESS (Number and street, city, State) — POSTAL ZIP CODE
c/o William L. Matheson, 277 Park Avenue, New York, N.Y. 10017

RESIDENCE (domicile)	CITIZENSHIP
France	USA

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust..... ☐ Yes ☒ No
   or the making of additions to a trust previously created..... ☐ Yes ☒ No
   in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits;
   or by relinquishing every such power that was retained in a previously created trust..... ☐ Yes ☒ No

2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits..... ☐ Yes ☒ No

3. By the purchase of a life insurance policy..... ☐ Yes ☒ No
   or the payment of a premium on a previously issued policy..... ☐ Yes ☒ No
   the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits;
   or by relinquishing every such power that was retained in a previously issued policy..... ☐ Yes ☒ No

4. By permitting another to withdraw funds from a joint bank account which were deposited by you..... ☐ Yes ☒ No

5. By conveying title to another and yourself as joint tenants..... ☐ Yes ☒ No

6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship..... ☐ Yes ☒ No
   If "Yes," see section 8 of the instructions.

7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations..... ☐ Yes ☒ No

8. By any other method, direct or indirect..... ☒ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed in Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? (See sec. 7 of instructions.).. ☐ Yes ☐ No

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse _____
2. Were you married during the entire calendar year?..... ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date _____
4. Will a gift tax return for this calendar year be filed by your spouse?..... ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 19 of instructions)

1. Amount of taxable gifts for year (line *j*, Schedule A)	$ 4,000.00
2. Total amount of taxable gifts for preceding years (line *c*, Schedule B)	525,174.07
3. Total taxable gifts (item 1 plus item 2)	$ 529,174.07
4. Tax computed on item 3	$ 119,550.25
5. Tax computed on item 2	118,500.25
6. Tax on taxable gifts for year (item 4 minus item 5)	$ 1,050.00

Under penalties of perjury, I declare that I have examined this return, including any accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

(Signature of taxpayer) (Date)

(Signature of preparer other than taxpayer) (Date)

277 Park Ave NY NY 10017
(Address of preparer other than taxpayer)

E 170

Excerpts from Exhibits to the Government's Statement

FORM 709 (Rev. April 1960) U.S. TREASURY DEPARTMENT INTERNAL REVENUE SERVICE	UNITED STATES GIFT TAX RETURN CALENDAR YEAR 19.68	(To be executed and filed AFTER the close of the calendar year and not later than the 15th day of the following April)
Donor's First Name and Middle Initial: DOROTHY GOULD	Donor's Last Name: BURNS	Social Security Number: 074-38-3904
Address (Number and street, city, State, Postal ZIP Code): c/o William L. Matheson, 277 Park Avenue, New York, N.Y. 10017		
Residence (domicile): France		Citizenship: USA

A. Have you (the donor), during the calendar year indicated above, without an adequate and full consideration in money or money's worth, made any transfer exceeding $3,000 in value (or regardless of value if a future interest) as follows? (Check whether "Yes" or "No.")

1. By the creation of a trust..... ☐ Yes ☒ No
   or the making of additions to a trust previously created..... ☐ Yes ☒ No
   in either case for the benefit of a person or persons other than yourself, and with respect to which you retained no power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits;
   or by relinquishing every such power that was retained in a previously created trust ..... ☐ Yes ☒ No

2. By permitting a beneficiary, other than yourself, to receive the income from a trust created by you and with respect to which you retained the power to revest the beneficial title to the property in yourself or to change the beneficiaries or their proportionate benefits..... ☐ Yes ☒ No

3. By the purchase of a life insurance policy..... ☐ Yes ☒ No
   or the payment of a premium on a previously issued policy..... ☐ Yes ☒ No
   the proceeds of which are in either case payable to a beneficiary other than your estate, and with respect to which you retained no power to revest the economic benefits in yourself or your estate or to change the beneficiaries or their proportionate benefits;
   or by relinquishing every such power that was retained in a previously issued policy ..... ☐ Yes ☒ No

4. By permitting another to withdraw funds from a joint bank account which were deposited by you..... ☐ Yes ☒ No

5. By conveying title to another and yourself as joint tenants..... ☐ Yes ☒ No

6. By conveying title to your spouse and yourself as tenants by the entirety or as joint tenants with right of survivorship..... ☐ Yes ☒ No
   If "Yes," see section 8 of the instructions.

7. By the exercise or release of a power of appointment, except as provided in the Gift Tax Regulations..... ☐ Yes ☒ No

8. By any other method, direct or indirect..... ☒ Yes ☐ No

If the answer is "Yes" to any of the foregoing, such a transfer (other than the creation of a joint tenancy with your spouse in real property with right of survivorship, or addition thereto, which you do not elect to treat as a gift) should be fully disclosed in Schedule A.

B. Gifts of husband and wife to third parties.—Do you consent to have the gifts made by both you and your spouse to third parties during the calendar year considered as having been made one-half by each of you? (See sec. 7 of instructions.).. ☐ Yes ☐ No

If the answer is "Yes" the following information must be furnished and the consent shown below signed by your spouse.

1. Name of spouse _____
2. Were you married during the entire calendar year?..... ☐ Yes ☐ No
3. If the answer to 2 is "No," check whether ☐ married, ☐ divorced, or ☐ widowed. Give date _____
4. Will a gift tax return for this calendar year be filed by your spouse?..... ☐ Yes ☐ No

CONSENT OF SPOUSE

I consent to have the gifts made by both me and my spouse to third parties during the calendar year considered as having been made one-half by each of us.

Date _____ Signature of spouse _____

COMPUTATION OF TAX (See section 19 of instructions)

1. Amount of taxable gifts for year (line j, Schedule A)	$	30,500.00
2. Total amount of taxable gifts for preceding years (line e, Schedule B)		539,174.67
3. Total taxable gifts (item 1 plus item 2)	$	569,674.67
4. Tax computed on item 3	$	127,564.60
5. Tax computed on item 2		119,558.35
6. Tax on taxable gifts for year (item 4 minus item 5)	$	8,006.25

Under penalties of perjury, I declare that I have examined this return, including any accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

Dorothy Gould Burns — 4/9/68
(Signature of taxpayer) (Date)

By William L. Matheson, Attorney-in-fact — (Date)
(Signature of preparer other than taxpayer)

(Address of preparer other than taxpayer)

E 171

Excerpts from Exhibits to the Government's Statement

" LA PAULINE "
LES PINCHINATS, AID
EN PROVENCE

Rolance Darling :

I have just received your letter (Tuesday) undated, No.5. Its marvelous for this Painting. I had written to insure it $5,000.- Bill told me that a Van Oslode ? is worth $3,000 in the U.S. Here, we are having, more and more, a tough time to find nice things. Would it not be better to send it in its frame ? How long does this take ? Why not send it in my name c/o. Martunia? Juan-Les-Pins. He is our packer and shipper.

I am heart-broken about Frances.

Doty is coming to lunch tomorrow. I will tell you about it. Do not send a bathing-suit. I have the one that you gave me brand new which I will wear and another one. Thanks anyway.

Tell me about the Painting so I can send you a check in $. Bill has gotten a letter from me since a long time telling him to give you $111.000and a few $ in cash. Now he is sending me your letter and tells me that he wants to send you interest. My answer is going at the same time as this letter. I told him to effect payment to you at once at Chase-45
your Bank. He told me that I must pay $26,000 gift tax on that I don't care and I want you to "l'aie-not clear"
there is also a way in order not to pay it <u>this is a fact</u> ?

My friend Richard Condon "The Oldest Confession" who comes to the hotel. Do you know Rex Harrison and Rita Hayworth are making a film (movie) now in Spain.

I will write you soon from now on.

again in haste
All love
} these words are written in English.

signature : (illegible)

it/

"S"

E 172

Excerpts from Exhibits to the Government's Statement

TRANSLATION FROM FRENCH INTO ENGLISH

FROM : Mrs. Dorothy GOULD-BURNS

TO : The Inspator of Direct Taxation.

Sir :

You sent me a form #2180 dated April 9, 1968, which I received on the 17th. of the same month, providing an outright taxation (assessment) corresponding to certain elements of my high standard of living in 1966.

It seems that there may be a misunderstanding with respect, as far as I am concerned, to the application of article 164-1 of the General Code of Taxes, which states :

" The contributors of foreign nationality who have
" their home in France are taxable in accordance with
" the rules enacted in articles 156 to 163 quater.
" However, excluded from taxable revenue of these tax-
" payers are revenues from foreign source at the rate of
" which the interested parties justify that they have been
" submitted to a personal income tax on the global reve-
" nue in the country where they originate from."

Being an American national (residence card AK 67140) and domiciled in France, this article 164-1 seems to me applicable.

With the exception of 3,600 francs of gross real estate income which are regularly declared in your Departments, I have no other income in France, and my American income is taxed in the United States. Furthermore, the French Administration believes that the American tax is a "personal tax on the total revenue" under paragraph 1 of article 164 (B.O.D.C. 2nd. part p.484.)

An outright taxation in France would bring about a double imposition evidently, and it is for this reasons, in the light of the above mentioned information, I ask you to kindly re-examine your position.

I am on the other hand at your disposal in order to furnish you any document which you may desire as evidence, with respect to the taxes (income) in the United States, as well as their transfer in France.

Please accept, Sir, my sincere regards.

lt/ "U"

E 173

Excerpts from Exhibits to the Government's Statement

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

WILLIAM L. MATHESON, being duly sworn, deposes and says:

1. I am an attorney and counselor at law, having practiced in the State of New York since 1950. My office is at Suite 4701, 277 Park Avenue, New York, New York.

2. I am the attorney for and am familiar with all the business affairs of Mrs. Dorothy Jay Gould (also known as Mrs. Dorothy Gould Burns) in the United States and have been so during the last 17 years.

I am also familiar with all the facts and circumstances hereinafter stated.

3. All of the income derived from securities and activities owned or maintained by Mrs. Dorothy Jay Gould in the United States is subject to the income taxes levied by the government of the United States of America because she is a subject of the United States of America.

4. During the year 1966 (Mrs. Dorothy Jay Gould accounts to the Internal Revenue Service on the basis of the calendar year), Mrs. Dorothy Jay Gould reported a taxable income in the amount of $56,084.78, subtracted authorized deductions in the amount of $10,597.38 and a single authorized exemption of $600.00, leaving a taxable income, as defined by the Internal Revenue Code, in the amount of $44,887.40.

5. Mrs. Dorothy Jay Gould paid the required tax on the aforesaid income of $19,522.44 on April 15, June 15, and

September 15, 1966, and January 15 and April 15, 1967, the latter payments being applicable to the taxes accrued during 1966.

6. Also during 1966, Mrs. Dorothy Jay Gould received as gross income, interest on the obligations of States of the United States and political subdivisions thereof in the amount of $175,867.39. This income, while subject to tax in the United States, is not taxed pursuant to the provisions of Sec. 103(a)(1) of the Internal Revenue Code of the United States of America.

William L. McDonnell

Sworn to before me this
12th day of February 1969.

Geneviève M. Althenn

GENEVIEVE M. ALTHENN
Notary Public, State of New York
No. 30-0851915
Qualified in Queens County
Certificate filed in New York County
Commission Expires March 30, 1969

E 175

Excerpts from Exhibits to the Government's Statement

Département

Ville ou Commune

IMPOT SUR LE REVENU DES PERSONNES PHYSIQUES
(TAXE PROPORTIONNELLE ET SURTAXE PROGRESSIVE)

MODÈLE 335

DÉCLARATION DES REVENUS DE L'ANNÉE 1959

Les explications nécessaires pour remplir cette déclaration sont contenues dans une notice établie par l'Administration et remise aux contribuables en même temps que la présente formule.

Pour chacun des renvois indiqués sous la forme suivante (1) vous trouverez dans la notice, dans l'ordre croissant des numéros, l'explication correspondante à laquelle vous voudrez bien vous reporter.

COPIE

I. (en capitales d'imprimerie) BLISS née GOULD Prénoms (soulignez le prénom usuel) Dorothy

Date et lieu de naissance 24 Mars 1904 - NEW - YORK Nationalité Américaine

Profession Sans N° de la carte d'identité (pour les étrangers)

ADRESSE DE VOTRE DOMICILE HABITUEL OU, A DEFAUT, DE VOTRE DOMICILE D'ELECTION

Au 1er janvier 1959	Au 1er janvier 1959 (en cas de changement en cours d'année)
Ville ou Commune Hôtel Provençal Dép	Ville ou Commune Hôtel Provençal Dép
Rue JUAN-les-PINS N°	Rue JUAN-les-PINS N°

II. ◇ SITUATION DE FAMILLE

Situation de famille (1) : Marié, mais séparé

Avez-vous des enfants ? OUI 3 — Dans le cas où tous vos enfants sont décédés, indiquez si l'un d'eux a vécu jusqu'à l'âge de 16 ans et décédé par suite de faits de guerre :

Indiquez les enfants adoptifs à votre charge depuis l'âge de 10 ans au moins :

Êtes-vous titulaire { d'une pension d'invalidité (guerre ou accident du travail) ..... Indiquez le degré d'invalidité reconnu : ..... d'une pension prévue par les lois des 31 Mars 1919 et 24 juin 1919 à titre de veuve ? ..... de la carte d'invalidité prévue aux articles 173 et 174 du Code de la Famille et de l'Aide Sociale ? .....

Si vous avez été affilié, en 1958, à un régime de retraite légal réglementaire, indiquez { le régime de retraite : ..... ; la désignation et l'adresse de l'organisme auquel sont versées les cotisations : ..... la date et le numéro de votre immatriculation auprès de cet organisme : .....

ENFANTS A CHARGE pour lesquels vous ne demandez pas, par note séparée, une imposition distincte. (2)		AUTRES PERSONNES A CHARGE
NOM ET PRÉNOM USUEL	DATE ET LIEU DE NAISSANCE (commune et département) Pour les enfants âgés de plus de 21 ans, indiquez la nature des études poursuivies ou portez la mention « infirme ».	NOM ET PRÉNOM, LIEN DE PARENTÉ et, s'il y a lieu, nature de l'infirmité

"X"

Copie

DÉCLARATION 2042

des revenus de l'année 1965

IMPOT SUR LE REVENU DES PERSONNES PHYSIQUES

Département A.M.
Commune Antibes Juan-les-Pins

(1) ◇ NOM (en capitales) BERNS née GOULD Prénoms Dorothy (soulignez le prénom usuel)

Date et lieu de naissance 24 Mars 1914 New York Nationalité Américaine

Profession Sans N° de la carte d'identité (pour les étrangers) [illegible]

N° d'immatriculation à la Sécurité sociale

◇ Adresse : Au 1er janvier 1966 — Commune Antibes Juan-les-Pins, Dépt 06 — Rue Fort Carré — N° — Bâtiment — escalier — étage — N° de téléphone

Au 1er janvier 1965 (en cas de changement en cours d'année) — Commune — Dépt — Rue — N°

(II) ◇ SITUATION DE FAMILLE

Mettre une croix dans la case correspondant à la mention utile

- Êtes-vous célibataire? ☐
- Êtes-vous marié? ☐
- Êtes-vous veuf? ☐
- Êtes-vous divorcé? ☐
- Avez-vous des enfants? ☐

Date et lieu de votre mariage :

Nom de famille et prénom de votre femme :

Date et lieu { du décès de votre conjoint : / du divorce :

Si tous vos enfants sont décédés, l'un d'eux a-t-il vécu jusqu'à l'âge de 16 ans ou est-il décédé par suite de faits de guerre ?

Indiquez les enfants adoptifs à votre charge depuis l'âge de 10 ans :

Êtes-vous titulaire :
d'une pension d'invalidité (guerre ou accident du travail)? Degré d'invalidité reconnu :
d'une pension prévue par les lois des 31 mars 1919 et 24 juin 1919 à titre de veuve?
de la carte d'invalidité prévue aux articles 173 et 174 du Code de la Famille et de l'Aide Sociale?

ENFANTS A CHARGE pour lesquels vous ne demandez pas, par note jointe à la présente déclaration, une imposition distincte (annexe DA. A. n° 1)		AUTRES PERSONNES A CHARGE (annexe DA. A. n° 1)
NOM ET PRÉNOM	DATE ET LIEU DE NAISSANCE (commencer par désigner ceux pour lesquels vous bénéficiez de la demi-part supplémentaire prévue au 3e alinéa du 1 de l'article 195 du Code général des impôts — Pour les enfants majeurs, indiquer le n° de la carte d'invalidité prévue aux articles 173 et 174 du Code de la Famille et de l'Aide Sociale — Pour les enfants mineurs, indiquer le n° de la carte d'invalidité prévue aux articles 173 et 174 du Code de la Famille et de l'Aide Sociale — Pour les enfants majeurs, indiquer la nature — Ou s'ils accomplissent leurs études — en préciser la nature — Ou s'ils exercent une activité salariée)	NOM ET PRÉNOM, LIEN DE PARENTÉ ou, s'il y a lieu, raison de l'adoption
Barbara Berns	Ma fille née à New York le 14 Août 1964	

Pour remplir votre déclaration, vous avez intérêt à vous reporter aux explications données sur la Notice de l'Administration qui est remise avec la présente formule

Si vous faites la présente déclaration au nom de la succession d'un contribuable décédé, n'oubliez pas d'indiquer au-dessous de votre signature, en plus de vos nom, prénoms et adresse

Vous devez adresser cette déclaration à l'inspecteur des Impôts (Service des Contributions Directes) de votre domicile. Le pli doit être suffisamment affranchi s'il est envoyé par la poste.

3201

Report des totaux de la page précédente.

Déficit global ..... → | | 1

Chiffre de la colonne 2 — chiffre de la colonne 1 (si ce dernier chiffre est inférieur au chiffre de la colonne 2)

Ce déficit sera déductible des revenus de 1966, sauf, le cas échéant, pour la partie qui proviendrait d'un déficit de 1960 non entièrement déduit des revenus de 1965.

Revenu brut global

Chiffre de la colonne 1 — chiffre de la colonne 2 (si ce dernier chiffre est inférieur au chiffre de la colonne 1) ..... → 94.213.72

(17) ◇ CHARGES A DÉDUIRE ◇

I. Déductions afférentes à l'habitation principale.

a) [illegible]

[illegible]	Date et nature de l'acte ou [illegible] du versement	2	Montant 1

b) [illegible]

Nom et adresse du fournisseur	Date de la facture	

II. Arrérages de rentes payés en 1965 (*Report ch. IV, n° 2*). Total ..... →

Nom, prénoms et adresse du bénéficiaire	Date et nature de l'acte obligeant au versement	

III. Déductions diverses (*Report ch. IV, n° 3*).

- Versé de la taxe complémentaire payée en 1965 (art. 426 du CGI) 584,52
- Versements effectués pour la constitution de la retraite mutualiste du combattant .....
- Autres déductions .....

Total à reporter ci-contre ..... → 5.842,80

Revenu (ligne a — ligne b) .....

(Si le chiffre de la ligne b est supérieur à celui de la ligne a, inscrire le chiffre 0)

◇ DÉTERMINATION DU REVENU IMPOSABLE ◇

Retrancher :

	Montant 1
— Charges payées en 1965 dans la construction (*Report ch. V, n° 1*)	
— Versements effectués en 1965 au profit d'œuvres ou organismes d'intérêt général, de caractère philanthropique, éducatif, scientifique ou de défense du patrimoine artistique (*Report ch. V, n° 2*)	
— Primes d'assurances versées en 1965 (Nom de la société ou de l'organisme d'assurance, date, n°, nature et durée des contrats ou des avenants) (*Report ch. V, n° 3*)	
Total à reporter ci-contre ..... →	

Revenu imposable → 88.370.92

(21) ◇ RÉDUCTION - CRÉDIT D'IMPÔT - IMPUTATIONS (*Report ch. VI*) ◇

	1
1. Réduction d'impôt. — [illegible]	
2. Crédit d'impôt. — Report du crédit d'impôt qui vous a été notifié par les établissements payeurs des coupons [illegible] (*Report ch. VI, n° 1*)	
3. Imputations (*Report ch. VI, n° 2*)	

Plus values de cession.

- Plus-values de cession de droits sociaux dans les sociétés passibles de l'impôt sur les sociétés 1
- Plus-values de cession de tous actifs (le montant de ces plus-values a dû être compris au bénéfice imposable visé aux ch. III, § 2, b et 6) 1
- Plus-values nettes à long terme réalisées par des entreprises commerciales, industrielles ou artisanales (régime du bénéfice réel) et [illegible] qui en tient le régime de la loi n° 65-566 du 12 juillet 1965 1

A [illegible], le [illegible]

Signature,

Imp. Nicot, Versailles.

330

1. **Revenus fonciers** revenus des propriétés bâties et non bâties ou revenus assimilés *(fiches ch. III, n° 1)*

Reporter ici [illegible] 2 s'il s'agit d'un revenu, colonne 2 s'il s'agit d'un déficit, le chiffre figurant au 5 III du tout-et-passe n° 1 (ligne 42, ou ligne 11) ..... → 2 880

2. **Bénéfices industriels et commerciaux.**

1° Bénéfices des professions industrielles, commerciales ou artisanales.

Indiquer ci-dessous, avec les adresses des exploitations, les professions exercées par :

vous-même	votre femme	vos enfants à charge

Indiquer ci-dessous, dans les colonnes a des bénéfices forfaitaires de l'année 1955, dans les colonnes b et c les bénéfices (b) et les déficits (c) des exercices clos en 1955 (ligne du tableau 1955) :

	a	b	c
Pour vos exploitations			
Pour vous-même ou votre femme			
Pour vous-même ou vos enfants à charge			
TOTAUX			

Reporter ici le cas échéant, col. 1 ou col. 2 selon le cas, le total col. a + col. b — col. c ..... →

2° Profits immobiliers visés à l'article 4-III, de la loi n° 63-1241 du 19 décembre 1963 *(fiches ch. III, n° 2)* ..... →

3° Bénéfices provenant de constructions immobilières. Reporter ci-contre, colonne 1, le montant des plus-values réalisées [illegible] de la loi n° 63-1241 du 19 décembre 1963, ou part [illegible] ..... →

3. **Rémunérations d'associés** *(fiches ch. III, n° 3)* ..... →

4. **Traitements publics et privés, indemnités, émoluments, salaires, pensions et rentes viagères.**

Personnes exercées	Noms et adresses des employeurs
Par vous-même	
Par votre femme	
Par vos enfants à charge	

1° Traitements, indemnités, émoluments, salaires et pensions soumis au versement forfaitaire ou exonérés de ce versement

	Vous-même	Votre femme	Vos enfants à charge
Traitements publics et privés, indemnités, émoluments et salaires			
a) Sommes touchées en 1955 *(fiches ch. III, n° 4)*			
b) Avantages en nature			
Total des gains acquis			
Déduction des frais professionnels *(fiches ch. III, n° 5)*			
a) [illegible]			
b) [illegible]			
c) Montant des [illegible]			
TOTAL à déduire			
Reste GAIN NET			
Pensions (sauf garde) *(fiches ch. III, n° 6)*			
TOTAUX			
TOTAL des gains nets et des pensions			
A déduire : 20 % de ce total *(fiches ch. III, n° 7)*			
Reste			→

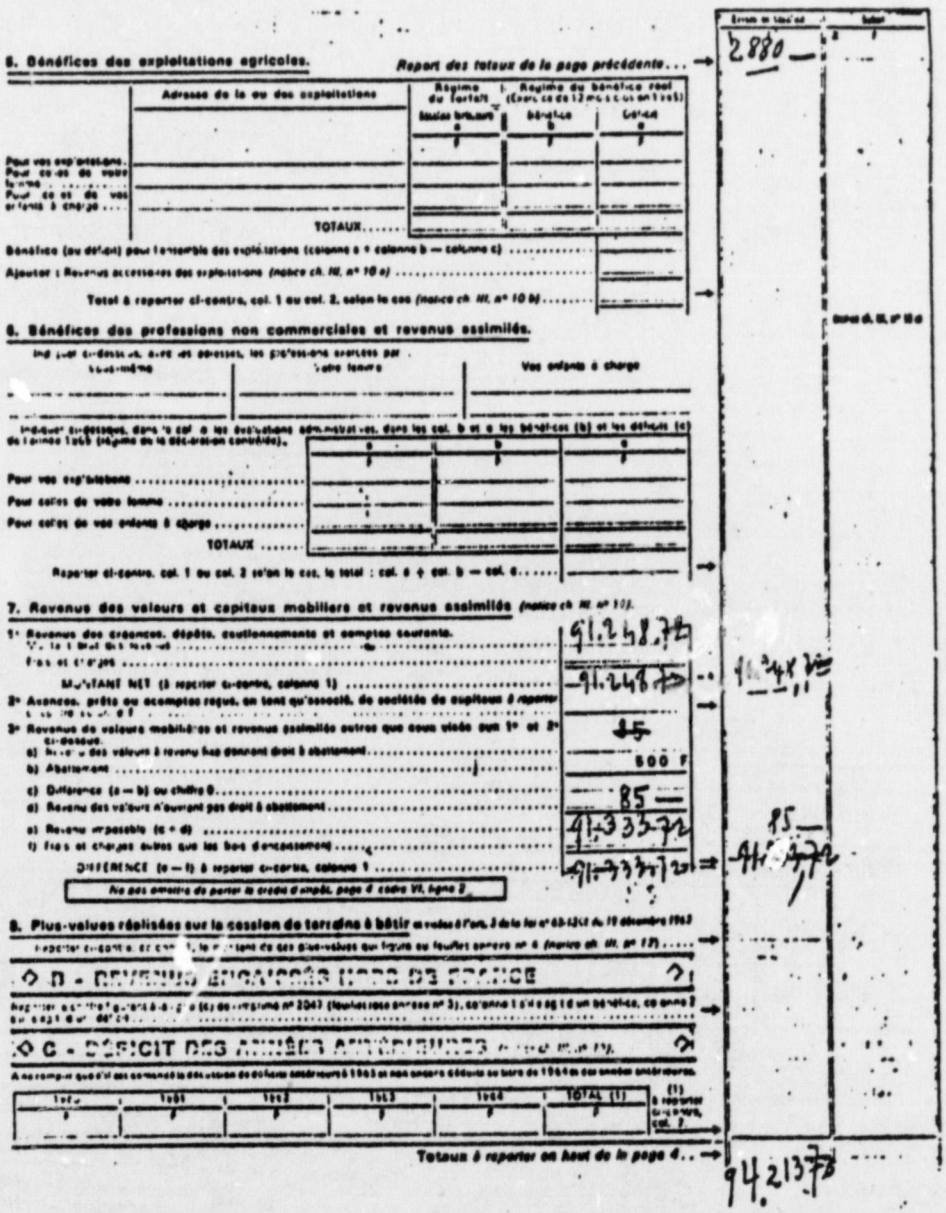
2° Rentes viagères : Pensions non soumises au versement forfaitaire :
Perçues par vous-même, votre femme ou vos enfants à charge
Rentes viagères constituées à titre gratuit et pensions *(fiches ch. III, n° 8)* ..... →
A déduire : 20 % *(fiches ch. III, n° 7)* ..... →
Reste ..... →

Rentes viagères constituées à titre onéreux *(fiches ch. III, n° 9)*. Date d'arrivée en jouissance .....
Montant brut _____ Date de naissance du crédi-rentier si il ne s'agit pas de vous-même ? _____

Montant imposable { a) ___ % de 10 000 F ou du montant brut s'il est inférieur à 10 000 F ..... →
b) 50 % de la part du montant brut qui excède 10 000 F ..... →

Total ..... →

Totaux de la page 2 à reporter en haut de la page 3 ..... → 2 880



5. Bénéfices des exploitations agricoles. — Report des totaux de la page précédente... 2.880 —

Adresse de la ou des exploitations | Régime du forfait | Régime du bénéfice réel (Exercice de 12 mois clos en 1963)
Recettes brutes a | bénéfice b | déficit c

Pour vos exploitations
Pour celles de votre femme
Pour celles de vos enfants à charge
TOTAUX

Bénéfice (ou déficit) pour l'ensemble des exploitations (colonne a + colonne b — colonne c)
Ajouter : Revenus accessoires des exploitations (notice ch. III, n° 10 a)
Total à reporter ci-contre, col. 1 ou col. 2, selon le cas (notice ch. III, n° 10 b)

6. Bénéfices des professions non commerciales et revenus assimilés.

Vous-même | Votre femme | Vos enfants à charge

Pour vos exploitations
Pour celles de votre femme
Pour celles de vos enfants à charge
TOTAUX
Reporter ci-contre, col. 1 ou col. 2 selon le cas, le total : col. a + col. b — col. c.

7. Revenus des valeurs et capitaux mobiliers et revenus assimilés (notice ch. III, n° 11).

1° Revenus des créances, dépôts, cautionnements et comptes courants. 91.248,72
Frais et charges
MONTANT NET (à reporter ci-contre, colonne 1) — 91.248,72 → 91.248,72
2° Avances, prêts ou acomptes reçus, en tant qu'associé, de sociétés de capitaux à reporter
3° Revenus de valeurs mobilières et revenus assimilés autres que ceux visés aux 1° et 2° ci-dessus.
a) Revenus des valeurs à revenu fixe donnant droit à abattement — 85
b) Abattement — 500 F
c) Différence (a — b) ou chiffre 0 — 85 —
d) Revenus des valeurs n'ouvrant pas droit à abattement
e) Revenu imposable (c + d) — 85 —
f) Frais et charges autres que les frais d'encaissement — 91.333,72
DIFFÉRENCE (e — f) à reporter ci-contre, colonne 1 — 91.333,72 → 91.333,72
Ne pas omettre de porter le crédit d'impôt, page 4 cadre VI, ligne 3

8. Plus-values réalisées sur la cession de terrains à bâtir en vertu de l'art. 3 de la loi n° 63-1241 du 19 décembre 1963
Reporter ci-contre, col. 1, le montant de ces plus-values qui figure au feuillet annexe n° 4 (notice ch. III, n° 17)

◇ D - REVENUS ENCAISSÉS HORS DE FRANCE ◇

Reporter ci-contre, col. 1, le montant de la (ou des) déclaration(s) n° 2047 (feuillet rose annexe n° 3), cadre I a ou a) I d ou a) I e un bénéfice, ou encore le total de ces déclarations

◇ C - DÉFICIT DES ANNÉES ANTÉRIEURES ◇

A ne remplir que s'il est demandé le report de déficits antérieurs (1963 et non encore déduits au titre de 1964 ou années antérieures).

1958	1961	1962	1963	1964	TOTAL (1)

(1) à reporter ci-contre, col. 2

Totaux à reporter en haut de la page 4... → 94.213,72

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Excerpts from Exhibits to the Government's Statement

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IMPOT SUR LE REVENU DES PERSONNES PHYSIQUES

Département: A M.

Ville ou Commune: ANTIBES

DÉCLARATION DES REVENUS DE L'ANNÉE 1968

(1) ◇ NOM: BURNS née GOULD (en capitales) Prénoms: Dorothy (souligner le prénom usuel)

Date et lieu de naissance: 21 Mai 1901 NEW YORK Nationalité: AMERICAN

Profession: Sans N° de la carte d'identité: AK 67 [illegible]

N° d'immatriculation à la Sécurité sociale:

ADRESSE au 1er janvier 1969: Commune: Antibes Dép°: AM N°:

Rue: St Barthélemy Timent: Escalier: Etage: N° de téléphone:

au 1er janvier 1968 (en cas de changement en cours d'année) Commune: Rue:

(2) ◇ SITUATION DE FAMILLE (mariage, décès, naissances)

Etes-vous célibataire? ☐
Etes-vous marié? ☐
Etes-vous veuf? ☒
Etes-vous divorcé? ☐
Avez-vous des enfants? ☐

Etes-vous titulaire { d'une pension d'invalidité (guerre ou accident du travail)? (degré d'invalidité inconnu %) / d'une pension de veuve prévue par les lois des 31 mars et 24 juin 1919? / de la carte d'invalidité prévue aux articles 173 et 174 du Code de la famille et de l'aide sociale

Si tous vos enfants sont décédés, l'un d'eux a-t-il vécu jusqu'à l'âge de 16 ans ou est-il décédé par suite de faits de guerre?

Indiquez, en outre, le cas échéant:

la date et le lieu de votre mariage
le nom de famille et le prénom de votre femme
les enfants adoptés à votre charge depuis l'âge de 10 ans

la date du décès de votre conjoint
et le lieu du divorce

ENFANTS A CHARGE pour lesquels vous ne demandez pas, par note jointe à la présente déclaration, une imposition distincte (notice explicative ch. II, n° 3)

NOM ET PRÉNOM	DATE ET LIEU DE NAISSANCE (commune et département) (notice explicative, ch. II, n° 2)

AUTRES PERSONNES (notice explicative ch.
NOM ET PRÉNOM, LIEU DE
et, s'il y a lieu, nature de

(3) ◇ LOGEMENT DU TRAIN DE VIE dans vos Comté ou [illegible] (notice explicative ch. III, n° 1).

	Période d'occupation en 1968	Adresse complète	Montant du loyer payé en 1968 (notice ch. III, n° 2 a)	Mettez une croix ci-dessous pour les		
				dont vous êtes propriétaire	dont vous avez la jouissance gratuite	
Habitation principale	du 1/1 au 31/12/68	6 Bastion St François Juan les Pins	3.600	☐	☐	
	du 1/1 au 31/12/68	26 Boulevard de Provence Nice 6e Etage	6.000	☐	☐	
Résidence secondaire (sa ferme et tous ses locaux)	du 1/1 au 31/12/68	Les Terrasses de Beaulieu Var		☐	☐	
	du 1/1 au 31/12/68	Villa du Cap [illegible] Le Cannet Var		☐	☐	

Nombre de domestiques, précepteurs, précepteurs, gouvernantes à votre service: Hommes: | Femmes:

VOITURES AUTOMOBILES destinées au transport des personnes — Marque: 1. Ford 2. Citroën — Type: 1. T.B. 12 2. 19 a. 67 — Puissance fiscale: 1. 12 CV 2. 13 CV — Date de première mise en circulation: 1. / 2. /

DISPOSEZ-VOUS DES AUTRES ÉLÉMENTS désignés ci-après (si oui, mettez une croix dans la case correspondante) (notice ch. III, n° 2):

Plus d'une résidence secondaire ☐ — Yachts et bateaux de plaisance ☐ — Avions de tourisme
Plus de deux voitures automobiles ☐ — Chevaux de course ☐ — Prise en location de droits de

C.E.M.P.I.

TRANSLATION FROM FRENCH INTO ENGLISH
OF THE SECOND PARAGRAPH ONLY on PAGE 2.

" - Chris-craft "Yolande"

I would appreciate very much if you would obtain from the United States Consulate at Nice, the following affidavit :

" The Services of the United States Consulate
" at Nice, certify that Mrs. Dorothy GOULD-BURNS, holder
" of Passport of the U.S. .....
" is the owner of the "Yolande" motor-boat
" model K. B. L. - Serie No.68,704
" hull -Chris-craft make, No.C.P.I.996
" Motor No.
" is authorized to fly the American flag ."

****

it/

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Excerpts from Exhibits to the Government's Statement

EXHIBIT A

DEPARTMENT OF STATE
PASSPORT AND NATIONALITY CARD - NATIVE CITIZEN

DATE CARD INITIALLY TYPED: March 27,1963

(Surname)	(First)	(Middle)	DATE OF BIRTH	PLACE OF BIRTH (City, State, Country)
BURNS	Dorothy	Gould	March 24,1904	New York, N.Y.

CITIZENSHIP DERIVED FROM PARENT, GIVE DETAILS: see over -Daughter-Mme-D.-

EMERGENCY ADDRESSEE AND ADDRESS: -Brdh-Rs Jugé,-Carpe-Diem,-Av.Gerein,Cassis,

LOCAL ADDRESS	ADDRESS IN UNITED STATES	OCCUPATION
Chal Provençal, Juan-les-Pins	30 Sutton Place, New York, NY	Housewife

FULL NAME OF FATHER, DATE AND PLACE OF HIS BIRTH	NATIONALITY OF FATHER
Frank Jay Gould, born New York, N.Y., Dec.4.1877, US.res.birth-1913	U.S.A.

FULL MAIDEN NAME OF MOTHER, DATE AND PLACE OF HER BIRTH	NATIONALITY OF MOTHER
Vivian Kelly, born New York, N.Y., dcod. US res. birth to 1919	U.S.A.

FULL NAME (MAIDEN) OF SPOUSE, DATE AND PLACE OF HIS (HER) BIRTH	NATIONALITY OF SPOUSE
Archibald Burns, born Mexico	Mexican

DATE AND PLACE OF MARRIAGE	DATE AND MANNER OF DISSOLUTION OF MARRIAGE
May 1944 - Mexico City	Separated

IF PARENTS OR SPOUSE ARE OR WERE U. S. CITIZENS, SHOW DATE AND MANNER OF ACQUISITION AND LOSS, IF APPROPRIATE
Married in Paris on May 1925 to Roland de Graffenried, born Thoun, Swit. [illegible] 27 1939 divorced 1936.

DATE OF LAST ARRIVAL IN COUNTRY	DATE, TYPE AND PLACE OF ISSUANCE OF ARRIVAL DOCUMENT
France - June 1953	Ppt. No. 249/FS30236 - March 30,1951 - AmEmbassy Mexico D.F., Mexico

DATE TAKEN

March 15,1955 - Ppt. No.145/FS80050 is. 2 years - not valid for travel or residence in Mexico
April 29,1957 - Ppt. ren. for 2 years
" " " - Executed communist form

"AA"

Excerpts from Exhibits to the Government's Statement

ACTIONS TAKEN (CONT.)

March 16, 1959 - Ppt. No.150365 is. 2 years - not valid for travel or residence in Mexico
" " " - Registered for 2 years
Jan. 24. 1961 - Ppt. ren. for 2 years
" " " - Registered for 2 years
Mar. 27.1963 - Ppt. No. Z222227 is. for 3 years, Not valid for travel or residence in Me
" " " - Registered for 3 years
Dec. 8.1965 - Ppt. ren. for 2 years
" " " - Registered for 2 years
" " " - Internal Rev.tax completed. ~~55~~ S.S. 074-38-39004
Feb.28.1968 - Ppt.No.Z757612 iss. 3 yrs. Reg. 3 yrs ppt."not valid for travel or res.in Mexico". Internal Rev.form executed.

Dorothy Gould Buer

Feb. 1968



SIGNED at ANTIBES, "Le Penthouse", Ave.Saint-Barthélemy on July 5, 1969, 8 P.M.

July 18, 1969 - Executed Death report. - Ppt. canceled and returned to lawyer

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Excerpts from Exhibits to the Government's Statement

APPLICATION FOR NUMBER FOR UNDOCUMENTED MOTOR VESSEL

TREASURY DEPARTMENT U. S. COAST GUARD CG-1519 (Rev. 2-55)

DOROTHY GOULD BURNS
10 GRACIE SQUARE
APARTMENT 10
NEW YORK 20, NEW YORK

Name and address of owner(s)

Form approved. Budget Bureau No. 48-R214.

No. (For use of Dist. Comdr.) FD K 3182

Citizenship U.S.A.

Name of vessel	Rig	Construction (Wood, steel, etc.)
YOLANDE	Gas Screw	Wood

Service	Make of engine	Horsepower
Pleasure	Chris-Craft	131

Engine serial No.	Type of vessel	Length in ft.	Height in ft.
KBL-68764	Open	18'7"	4'

Beam in ft.	Draft in ft.	Builder
6'3 1/8"	1'7½"	Chris-Craft Corporation

16—18929-11

Place built	Year completed	Model year	Number now on vessel
Cadillac, Mich.	1955	1956	

I (we) certify that the statements herein made are true and correct and that the boat described is owned by

Dorothy Gould Burns

SIGNATURE OF OWNER(S)

INSTRUCTIONS.—When properly filled in and signed, send or take TWO copies of this card to the Commander of the Coast Guard District in which the vessel is owned or to the Officer in Charge, Marine Inspection, having jurisdiction.

1. NAME AND ADDRESS.—Print first name, middle initial, last name, and full address, i. e., street or RFD No., city, postal zone, if any, and State.
2. NAME OF VESSEL.—If vessel does not have a name, write "No Name."
3. RIG.—Describe as gas, oil, steam, or outboard; if inboard motor, describe as screw, etc.
4. SERVICE.—State whether pleasure, commercial fishing, passenger for hire, freight, towing, etc.
5. ENGINE.—Make, horsepower, and serial number need not be given for outboard motors.
6. TYPE OF VESSEL.—State whether raised deck, cabin deck, houseboat, open boat, auxiliary, etc.
7. DIMENSIONS.—To determine the length, measure from end to end over the deck, excluding sheer. Height: Measure normal superstructure above water line. Beam is extreme width.

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

16—13929-11 GPO

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Excerpts from Exhibits to the Government's Statement

AJ

CERTIFICATE OF AWARD OF NUMBER TO AN UNDOCUMENTED VESSEL

NAME AND ADDRESS OF OWNER(S)

DOROTHY GOULD BURNS
10 Gracie Square, Apt. 10
New York 20, New York

NO.(S) AWARDED: 10 K 3187

CITIZENSHIP: USA

NAME OF VESSEL: YOLANDE	RIG. (Ga.s, Oil s, outboard, etc.): Ga.s		CONSTRUCTION (Wood, iron, steel, etc.): Wood
SERVICE (Pleasure, commercial fishing, passenger for hire, towing, etc.): Pleasure	MAKE OF ENGINE: Chris Craft	HORSEPOWER: 131	ENGINE SERIAL NO.: KBL-68764
TYPE (Open launch, full deck, raised deck, etc.): Open	LENGTH (Over-all): 18'7" / HEIGHT: --	BEAM: 6'3"	DRAFT: 1'7½"
BUILDER: Chris Craft Corp.	PLACE BUILT: Cadillac, Mich.	YEAR COMPLETED: 1955	MODEL YEAR: 1956

THIS IS TO CERTIFY that, in accordance with the provisions of the act of June 7, 1918, as amended, the U. S. Coast Guard has awarded the above number to the vessel described herein.

The number awarded shall be painted or attached to each bow of the vessel and displayed in accordance with the law and regulations. The number must not thereafter be permanently removed unless this certificate is surrendered to the issuing office for cancellation.

This certificate constitutes a document in lieu of enrollment or license and it MUST BE KEPT ON BOARD AT ALL TIMES (unless in the custody of the Coast Guard), except in the case of vessels not exceeding 17 feet in length, or vessels whose design or fittings are such that carrying such certificate on board would render it imperfect, illegible, or would otherwise tend to destroy its usefulness as a means of ready identification. FAILURE TO HAVE THIS CERTIFICATE ON BOARD VESSELS ON WHICH IT IS REQUIRED TO BE CARRIED, OR THE FAILURE TO REPORT THE CHANGE IN OWNERSHIP, DESTRUCTION, OR ABANDONMENT OF THIS VESSEL, SUBJECTS THE OWNER TO A PENALTY OF $10. In addition, a failure to produce it upon demand of a proper officer will also subject the master or operator to other penalty. (See other side of this certificate for additional requirements.)

DATE	PORT	CG DISTRICT	ISSUED BY DISTRICT COMMANDER
7/16/59	New York	3rd	SIGNATURE (By direction) OF: OCMI

TREAS. DEPT., U. S. COAST GUARD. CG-1513 (Rev. 2-55) Previous editions are obsolete. Form approved. Budget Bureau No. 48-R315.

"CC"

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Excerpts from Exhibits to the Government's Statement

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NOTICE.—Vessels of 5 net tons and over, engaged in commercial activities are subject to documentation. Use of such vessels for such activities without necessary documentation may result in imposition of penalties. Consult with Collector of Customs.

Important*—ADDITIONAL REQUIREMENTS—*Read Carefully

If the vessel described in this certificate is lost, abandoned, or destroyed, notice must be given to the Commander of the Coast Guard District in which the vessel is owned or to the Officer in Charge, Marine Inspection, having jurisdiction, and this certificate must be surrendered for cancellation. PENALTY FOR FAILURE TO GIVE SUCH NOTICE WITHIN 10 DAYS IS $10.

When the ownership of this vessel described in this certificate is transferred, the owner(s) named in the certificate should execute the bill of sale on the following form and deliver this certificate and bill of sale to the purchaser. The purchaser should complete the application below for certificate of award of number and must notify the Commander of the Coast Guard District in which the vessel is owned or the Officer in Charge, Marine Inspection, of the Coast Guard District in which the vessel is owned, of his purchase of the vessel, by the surrender of this certificate within 10 days. PENALTY FOR FAILURE TO GIVE NOTICE OF TRANSFER OF OWNERSHIP WITHIN 10 DAYS IS $10.

In case this certificate is lost, destroyed, or mutilated, make a report in writing at once to the Commander of the Coast Guard District, who issued this certificate.

BILL OF SALE

In consideration of the sum of _____ dollars, lawful money of the United States of America, in hand paid, and other valuable considerations this 12th day of May, 19 62 I, Dorothy Quinn Pelano, owner(s) of the vessel described in this certificate, hereby sell and transfer all of my (our) right, title, and interest in the same to Mr. Lee Roman of Queens, New York, France.

Dorothy Quinn Pelano
(Signature of owner(s))

Subscribed and sworn to before me this _____ day of _____, 19_____

(SEAL) _____
(Notary Public or officer authorized to administer oaths)

APPLICATION FOR CERTIFICATE OF AWARD OF NUMBER (*To be executed by purchaser(s) of boat*)

Owner(s) _____ Citizenship _____
(Print name(s))

I (WE) HEREBY DECLARE that I (we) own the vessel described by this certificate. I (We) hereby make application for a new certificate of award of number. I (We) further declare that the description of the vessel indicated on the reverse side of this certificate is true and correct, with the following exceptions: (List here any corrections desired to be shown in the new certificate, such as change of name of vessel, change of engine, service, etc.)

_____ SIGN HERE _____
(Date) (Owner(s))

_____
(Address, i. e., street or RFD No., city, postal zone, if any, and State)

GPO 0 - 10 - 100754

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Excerpts from Exhibits to the Government's Statement

March 18, 1958

Correct Craft, Inc.
Orlando, Florida

Attention: Mr. Maloon

Dear Sir:

Reference is made to the letter from Mrs. Dorothy Gould of Hotel Provencal, Juan-les-Pins, A.M., France to you of November 23, 1957, the letter to Mrs. Gould of Mr. Norman M. Sewell, your Sales Manager, of December 18, 1957, my conversation at the Boat Show here with Mr. J. H. Barber, your District Sales Manager, and my telephone conversation with you today.

Mrs. Gould, a U.S. citizen, wishes to buy from you one Correct Craft International Skier with the usual, standard equipment at the price you have quoted of $4,346 less 20% or $3,477, plus cost of transportation to Cannes, France (not Marseille), and insurance. Delivery is to be made as soon as possible but not later than June 1, 1958.

The boat is to be registered in the name of "Mrs. Dorothy Gould Burns" (her legal name) at the following address:

c/o William L. Matheson
10 Gracie Square
New York 28, New York.

The boat should be shipped to Mrs. Gould at Cannes and she should be notified of shipment at the Hotel Provencal, Juan-les-Pins, A.M., France. You are to make arrangements for shipping and insurance in transit. Insurance is to be arranged through March & McLennan, Inc., 70 Pine Street, New York 5, N.Y., who will shortly contact you on this.

Mrs. Gould is forwarding you her check in the amount of $2,500 and will pay the balance on delivery.

Kindly acknowledge your acceptance of the foregoing at your earliest convenience.

Very truly yours,

"DD"

May 9, 1958

Mr. F. A. Lee
Vice President
Marsh & McLennan, Inc.
70 Pine Street
New York 5, New York

Dear Mr. Lee:

I have your letter of May 8 and am happy to note that Mrs. Gould's boat was shipped on the Italian Line Steamer "Cuilio Cesare" on May 6 for discharge at Cannes and that you have arranged the necessary insurance therefor. I am not sure but I believe the boat will go into France duty free inasmuch as Mrs. Gould is an American citizen and the boat will be registered in her name in care of me.

I also note your premium charge in the amount of $26.88, which you may invoice to Mrs. Gould directly at her address in France.

Mrs. Gould and I are both grateful for your generous service on this matter.

Very truly yours,

cc: Dorothy Gould

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Excerpts from Exhibits to the Government's Statement

TRANSL[illegible]ION FROM FRENCH INTO ENGLI[illegible] 64

The year : Nineteen Hundred and Fifty Seven

the 17 and 24 of January,

BEFORE ATTORNEY : Felix MIRAMON, Notary Public, at the residence of ROQUABRUNE-sur-ARGENS, Canton de FREJUS (Var) the undersigned;

A P P E A R E D :

Mr. Claude Pierre Marie MONZIES, Farmer, spouse of Mrs. Dominique Laetizia BOUCHET, residing at AURIBEAU-sur-SAGNE (Matirime Alpes); Coste Calde.
Born at ENGHIEN-[illegible]esBAINS, (Seine-et-Ooise), on the first of February Nineteen hundfed Twenty Eight.
Acting herewith in his own personal name as well as in the name and proxy of Mrs. Dominique Laetizia BOUCHET, his wife, without profession,
Born at GRASSE (Maritime-Alpes) April Twenty Seven Nineteen Hundred and Twenty Nine, living with him at AURIBEAU-sur-SIAGNE, under the terms of the power of attorney she gave him, with her authorization according to instrument received by attorney Charles BERARD, Notary at GRASSE, January sixteen, Nineteen Hundred Fifty Seven, the original registered certificate of which shall remain attached hereto and annexed.
Mr. & Mrs. MONZIES-BOUCHET, married under the community property limited to the common property of two married couple. according to the marriage certificate received by Attorney BERARD, Notary at GRASSE, March first Nineteen Hundred Fifty two, which does not contain any restrictive clause as to the civil capability of the spouse.
The appearer in question, acting in his own personal name, and committing himself and by committing his wife with him, jointly and solidarily amonng themselves, to all garanties, that is ordinary garanties by fact and by law in similar matter and to the garanty of all troubles, evictions, mortgages, and other impediments whatsoever, has, hereby, sold to :

Mrs. [illegible]orothy GOULD, without profession, wife of Mr. Archibald-BURNS, residing at ANTIBES, (Maritime-Alps), rue de la Salisse "Lou PARADOU."
Born in New [illegible]ork, (U.S.A.) the twenty fourth of March Nineteen Hundred and Four.
A Umited States citizen, holder of an ordinary (regular) residence card, No. A. H. 65,340, issued by the Prefecture des Alpes-Maritimes, September twenty Nineteen Hundred ~~Fifty~~ Four and valid until June tenth Nineteen Hundred and Fifty Seven.

SEAL OF THE ATTORNEY MIRAMON

Here present who was accepted the building the designation of which follow :

"FF"

D. G. B. CM. (initial)

it/

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Excerpts from Exhibits to the Government's Statement

...ANGES

... : 6ue de la Tour-des-Dames, PARI...

PARIS 9e 91-30 / 99-40 20 lignes groupées

Votre référence indispensable à rappeler :

ATC / S.L. 340417

Votre référence : Affaire GOULD

PARIS, le 22 NOV. 1956

76

Monsieur M. WIEL

I, rue Jacob

PARIS (VI°)

Monsieur,

Par lettre du 8 Novembre 1956, vous me faites connaître qu'en vertu d'une ordonnance de M. le Président du Tribunal Civil de la Seine en date du 4 Mai 1956, vous avez été nommé administrateur des biens situés en France de la succession de M. Frank Jay GOULD, de nationalité américaine, décédé à Juan-les-Pins le 1er Avril 1956.

Ses héritières sont ses deux filles :

- Mme Hélène MARET, domiciliée en Suisse

- et Mme Dorothy BURNS, de nationalité américaine, actuellement "Lou Paradou" Avenue de la Salès à Antibes, titulaire d'une carte de résident ordinaire n° A-H 65340 du 20 Septembre 1954.

Vous avez actuellement en votre possession les dividendes échus sur les valeurs dépendant de la successio

Vous exposez que Me. MIRAMON, Notaire à Roquebrune-sur-Argens, demande de lui transférer un montant de Frs. 4.850.000, en vue de l'achat par Mme BURNS d'une propriété sise à Roquebrune.

Vous me demandez, en conséquence, l'autorisation de prélever la somme considérée soit sur les revenus des valeurs reçues depuis le décès de M. GOULD, revenus appartenant à Mme BURNS, soit, en cas d'insuffisance, sur la part lui revenant des biens de la succession en France.

J'ai l'honneur de vous faire connaître tout d'abord que, dans la mesure où Mme BURNS réside en France depuis moins de 4 ans, l'achat projeté demeure subordonné

Me F. MIRAMON Notaire ROQUEBRUNE-SUR-ARGENS (Var)

.../...

Excerpts from Exhibits to the Government's Statement

Translation of part of document numbered 54.

Born in New York, (UNITED STATES OF AMERICA), the twenty-fourth of May, Nineteen Hundred and Four.
Married to Mr. BURNS, under the system of separate property with the possibility for the wife to act alone and to dispose her own property, at CUARNAVAO (Mexico), on May 24, 1944.
American nationality, but holder of priviledged (preferential) resident card No. A K 05709 issued Oct. 3, 1957 by the Prefect of the Alpes-Maritimes.

E 192

Excerpts from Exhibits to the Government's Statement

TRANSLATION

Nice May 10, 1962

Attorney Charles GENEVOIX
Notary-Public
CHAMPIGNY-sur-VEUDE,
Inde-&-Loire

Copy for Mrs. Gould

Mrs. Gould.

Dear Counsil :

Please find herewith the original of an Attestation of Maitre (Attorney) REINE, notary at ANTIBES, regarding the marital status of Mrs. Dorothée BURNS née GOULD exactly, and her legal capacity (deposit of 10/22/1957) at the study of REINE, of the custumary certificate of 10/12/1957.)

Be kind enough either to return the document to me, or forward to me two photostatic copies.

Please send me also in due course, the planning and the text of the power of attorney (patent), with the copy of the plan of the deed.

I was pleased to make your acquaintance as well as that of Mr. VASSAS.

Yours truly,

P.S. Mrs. BURNS was born in NEW YORK on the 24th. of March, 1904 (United States Citizen).

"HH"

it/



RÉPUBLIQUE FRANÇAISE
DIRECTION GÉNÉRALE DE LA SURETÉ NATIONALE

RÉCÉPISSÉ
DE DEMANDE DE CARTE DE SÉJOUR
ou de renouvellement de la carte N°

Délivré à
le
nationalité
profession
Le présent récépissé, tenant lieu provisoirement d'autorisation de séjour, sera valable jusqu'au

Taxe normale
Taxe spéciale
Droit Nansen

MOSELLE
BAS-RHIN

E 194

Excerpts from Exhibits to the Government's Statement

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

Form 170-189
11-10-34

REPORT OF THE DEATH OF AN AMERICAN CITIZEN

Nice, France, July 18, 1969
(Place and date)

Name in full Dorothy Gould Burns Occupation None

Native ~~citizen~~ born New York, N.Y., March 24, 1904. Last known address in the United States 30 Sutton Place, New York, N.Y.

Date of death July (Month) 5 (Day) 8 P.M. (Hour) (Minute) 1969 (Year) Age 65 (As nearly as can be ascertained)

Place of death "Le Penthouse", Ave. Saint-Dan[illegible] (Number and street) or (Hospital or hotel) Antibes, A.M., France (City) (Country)

Cause of death Stroke, as certified by Dr. L. Lafforre, 16 Bld. Foch, (Include authority for statement)

Antibes, France.

Disposition of the remains Interred in the Cemetery of Antibes, square P.M.2, tomb No.5.

Local law as to disinterring remains May be disinterred at any time upon request of the nearest relative or legal representative of estate. See Decree-law of Dec.31,1938, Journal Officiel of Jan.26-27, 1942, page 370.

Disposition of the effects In the custody of daughter, Mrs. Dorothy de Greffenried Jugé, Domaine de Vigne, Grousaires, Mougins, Var, France

Person or official responsible for custody of effects and accounting therefor Mrs. Jugé.

Informed by telegram:

NAME	ADDRESS	RELATIONSHIP	DATE SENT

Copy of this report sent to:

NAME	ADDRESS	RELATIONSHIP	DATE SENT
Mr. William Matheson,	277 Park Ave., New York 10017, N.Y.	Lawyer	July 18, 1969

Traveling or residing abroad with relatives or friends as follows:

NAME	ADDRESS	RELATIONSHIP

Other known relatives (not given above):

NAME	ADDRESS	RELATIONSHIP
Mrs. Rolando de Greffenried Riveroll	del Prado 47 Rio Nilo, Mexico D.F.5, Mexico	Daughter
Mrs. Victoria Burns Trachsel,	14 Ch.de Pasteret, 1034 Vessy - Go - Geneva, Switzerland	

This information and data concerning an inventory of the effects, accounts, etc., have been placed under File 134 in the correspondence of this office.

Remarks: Passport No. Z737012 issued by this Consulate on February 20, 1968 canceled and returned to lawyer.

(Continue on reverse if necessary.)

WDT/Sol

(Signature or title of officer)

Form 1

"JJ"

TRANSLATION

from: FRENCH [illegible]

DEPARTMENT OF ALPES-MARITIMES
District of Grasse

CITY OF ANTIBES

No. 335

DEATH of DOROTHY GOULD

REPUBLIC OF FRANCE

EXTRACT FROM THE DEATH RECORDS ON FILE AT THE TOWN HALL OF ANTIBES FOR THE YEAR 1969.

DEATH CERTIFICATE

Of Dorothy GOULD

Divorced wife in first marriage of Roland GRAFFENRIDE and wife in second marriage of Archibald BURNS.

Born in New York, USA, on March 24th, 1904,

Daughter of Frank Jay GOULD, and of Helene KELLY, both deceased.

Died on July 5th, 1969, at her home at Avenue Saint Barthelemy, known as "Le Penthouse"

This is followed by the signatures.

The foregoing is a true extract from the Register of Vital Statistics.

Antibes, October 12th, 1970

FOR THE MAYOR by Delegation
Law of March 15, 1954

S/ Signature (illegible)

Stamp reading: TOWN HALL OF ANTIBES - ALPES MARITIMES

E 196

Excerpts from Exhibits to the Government's Statement

TRANSLATION FROM FRENCH INTO ENGLISH OF
LETTER ATTACHED HERETO (IN THREE PAGES)

AUGUST 2, 1959
Stamp reading : DURANT DES AULNOIS
NOTARY PUBLIC IN PARIS.

NOTARY ATTESTATION AFTER THE DEATH
OF Mrs. BURNS, nee Dorothy GOULD.

A STAMP READING:
STAMP ACCOUNT WITH
THE TREASURY, AUTHO-
RIZATION OF 1/6/59
Reg. #243 "SPECIAL"

Before Attorney Gilles DURANT des AULNOIS, Notary in PARIS, the undersigned :

THE FOLLOWING PERSONS APPEARED
BEFORE ME AND ATTESTED :

Mrs. Anna Marie HOULIER, Secretary, spouse of Mr. Marc ARNAUD, with whom she resides at RUEIL MALMAISON, 290, Avenue Napoleon Bonaparte.

And Miss Yvelin de BEVILLE, Jurist, residing in Paris, 15th. Arrondissement, at No.2 Rue, Jacques Mawas

DO HEREBY declare that they have known perfectly well:

Mrs. Dorothy GOULD, without profession, residing at ANTIBES, Avenue Saint Barthelemy, "Le Penthouse", divorced from her first marriage to Roland Marie-Bernard-Arnold-Esprit GRAFFENRIED, widow of her second marriage to Mr. Archibald BURNS.

And they have attested as being public knowledge and as their own personal knowledge :

That Mrs. GOULD died at ANTIBES, in her residence indicated above, on July the 5th., One Thousand Nine Hundred And Sixty Nine. That she was a citizen of the United States ; That she was born in New York, (United States,) March Twenty Fourth, Nineteen Hundred and Four; That after her death, no inventory was drawn up.

That she left as sole heirs (women), jointly for everything, and separately each for a third :

Firstly :Mrs. Rolande de GRAFFENRIED de VILLARS, without profession, spouse of Carlos RIVERALL DES PRADO, Publicist, with whom she resides at RIO NILO, 47 Mexico DF 5, Mexico (Mexico)

Born in Paris (16th. Arrondissement) May, 5th. 1926.

Married under the separate property system as is mentioned in her marriage certificate which took place in MEXICO, on the 6th. of May Nineteen Hundred And Sixty, nationality Mexican

"KK"

Holder of a Mexican passport No.55,024 issued by the Ministry of Foreign Affairs.

Secondly : Mrs. Dorothy de GRAFFENRIED de VILLARS, farm cultivator, spouse of Mr. Jacques Auguste Maurice JUGE, married and separated from him under the separate property system, with whom she lives at MEOUNES (Var.),Domaine de Vigne Groussiere.

Born at MAISON-LAFFITE (YVELINES) on August 19, 1927.. French national, married under the separate property system under the terms of her contract (of marriage) recorded by Maitre NEVEU, Attorney and Notary at FUVEAU (B ches-du-Rhones), May 7th. 1958.

Her two daughters issue of the marriage with her first husband.

Thirdly : Mrs. Victoria Alexandra Helene Marie BURNS, without profession, spouse of Mr. Andre TRACHSEL, with whom she resides at GENEVE-VASSY (Switzerland,1234, - 14, Chemin de Passoret.

Born in Mexico (Mexico), August fourteenth, Nineteen Hundred and Forty four.

Married under the separate property system, under the terms of her marriage contract registered by Maitre REINE, Attorney and Notary at ANTIBES (Alpes Maritimes), the 29of July Nineteen Hundred and Seventy; which system has not been subjected to any modification (Amendmended) either conventional or legal, prior to her marriage celebrated at the City Hall of ANTIBES, July 30th, 1969. A Swiss national. Holder of a Passport #1431760 issued on March seventh, Nineteen Hundred and Sixty Seven by the State Chancery of State at Geneva.

Her daughter issue of her second marriage.

In support of their declarations as to the death, the parties appearing presented to the undersigned Notary, a copy of the death certificate of Mrs. Dorothy Rolande GOULD, of which a true and certified copy, issued by theCity Hall of Antibes, July eighth Nineteen Hundred and Sixty Nine, which remained attached hereto.

on page 3

M E N T I O N

Mention is hereby made as to the obligation of all those who have part to the said inheritence or theirs to said inheritence to have a sworn statement made before a notary, in execution of the instrument of January fourth, Nineteen Hundfed and fifty Five, the transmission of all real fixed claims (real property) if the succession depends on such claims.

TRUE COPY

Made and registedred in Paris, rue du Cirque No.10, in the Study of Attorney undersigned notary, ...
NINETEEN HUNDRED ANDSIXTY NINE.....
August 12,
And after having read it, the appearing parties have signed with the Notary.

it/

E 199

Excerpts from Exhibits to the Government's Statement

Translation of Attached Letter

Secretary of External Relations
Mexico D.F.

July 5, 1971

I request help from the legal department of the Secretary for the most efficient manner in certifying and stamping the copies here included, of documents relating to the mexican citizenship of my mother, Mrs Dorothy Gould Burns, according to Certificate no. 6 granted January 2, 1945 with Mexican Passport no. 231731 15274.

1) Copy of passport issued to Dorothy Gould Burns August 23, 1950.

2. Copy of the application for mexican nationality signed by Dorothy Gould Burns December 21, 1944.

Please express in the answer that you will give me to this letter, the opinion of the Legal Department about the validity, according to the mexican laws, of the renunciation of northamerican nationality made by my mother Mrs. Dorothy Gould. Burns upon signing the application as wife of Mr. Archibald Burns, mexican by birth, to obtain mexican nationality.

Thank you sincerely for your kind consideration.

Attention.

Rolande de Graffenvred
de Riverol1
Rio Nilo 2/7 Mexico-D.F.5

Translated by:
Isabel Parra

"MM"

E 200

Excerpts from Exhibits to the Government's Statement

United States of Mexico

[Seal]

CERTIFIED ATTACHMENT

Department General Office f[illegible] Legal Affairs

File Number VII/521.5/66369

Secretary of Foreign Relations

Re: As follows:

Tlatelolco, D.F., July 14, 1971

Mrs. Rolande de G. Riveroll
Río Nilo 47
Mexico 5, D. F.

When answering this letter, please cite the data contained in the square at the upper right side corner.

I make reference to your letter, dated the 5th of this month in which you request that we inform you, after a search made in the appropriate file, if there exist renunciations made by your mother, Mrs. Dorothy Gould Burns, in order to obtain her Certificate for Mexican Citizenship and of the validity that the law attributes to such renunciations.

In this connection, let me inform you that under the existing Law of Nationalization and Naturalization in its Article No. 2, it is established who are Mexicans by naturalization... Sec. II the foreign woman who marries a Mexican and has or establishes her domicile in the National Territory: By application of the interested party in which the renunciations set forth in Articles 17 and 18 of this law are stated. The Secretary of Foreign Relations will make, in each case, the corresponding declaration.

From the above explanation, it can be concluded that in order that a foreigner married to a Mexican may acquire the citizenship of the husband it is necessary, among other things, to renounce her original nationality and pledge allegiance to the laws and authorities of the Mexican Republic.

As requested, I am sending together with this letter a photocopy of the document delivered by the said Mrs. Dorothy Gould Burns, which contains her petition to acquire citizenship by naturalization and the renunciations referred to in Articles 17 and 18. In connection with the photocopy of the passport issued to the interested party, it is not possible to certify it, since we are not in the possession of said document.

"NN"

E 201

Excerpts from Exhibits to the Government's Statement

United States of Mexico

[Seal]

Secretary of Foreign Relations

Department General Office for Legal Affairs

File Number VII/521.5/66369.

Re:

-2-

Finally, from a study of the aforesaid data and the declarations that exist in the said lady's file, it has been determined that in her written application dated December 21, 1944, the renunciations and allegiances were signed when application for Certificate for Mexican Citizenship was made, having married Mr. Archivaldo Burns, born in the country, and having complied with the requirements, the Certificate of Mexican Citizenship No. 6 was issued to her on January 2, 1945.

Very truly yours,

EFFECTIVE VOTE. NO RE-ELECTION

BY ORDER OF THE SECRETARY
CHIEF OF THE DEPARTMENT

Lic. Leopoldo Olvera.

When answering this letter, please cite the data contained in the square at the upper right side corner.

EX. D

E 202

Excerpts from Exhibits to the Government's Statement

(Translation)

FOREIGN AFFAIRS DEPARTMENT
GENERAL BUREAU OF LEGAL MATTERS
CITIZENSHIP AND NATURALIZATION SECTION.

File VII/521.5/66369.

I, ROLANDE DE GRAFFENRIED DE RIVEROLL, in the capacity which has been established in the captioned file, stating as my domicile for receiving notices Paseo de la Reforma No. 35, 10th Floor, in Mexico City, Federal District, and authorizing Julio C. Treviño, Esq., Raúl López-Palacios, Esq., and law clerk Guillermo Buenrostro to receive them on my behalf and to file and withdraw all kinds of documents, respectfully state to you:

On July 14, 1971, your Department sent me official letter No. 29325, in reply to my letter of the 5th of that same month and year, which official letter stated the opinion of your Department with regard to the renunciation of her original citizenship by my mother, Mrs. Dorothy Gould de Burns, upon applying for a Mexican Citizenship Certificate on December 21, 1944, because of her marriage to Mr. Archibaldo Burns, born in Mexico, which certificate was, in fact, issued to her January 2, 1945, bearing the number 6.

Since, in support of that opinion, Part II of Article 2 of the Law of Citizenship and Naturalization was invoked, with its text currently in force in accordance with the amendment of December 31, 1949, which is, therefore, different from the one in force on the date on which the Mexican citizenship certificate was issued to my mother, and considering, furthermore, that some foreign authorities have raised doubts concerning the Mexican citizenship of my mother, who deseased abroad in 1969, it is necessary for me to request an explanation of your official letter referred to, asking you to state your opinion on the validity and effects of the renunciation of American citizenship made by my mother, Mrs. Dorothy Gould de Burns in 1944, in her application for a Mexican citizenship Certificate, in accordance with Mexican law in force at that time.

Likewise, I request you to please specifically men-

tion in your reply to this writ, whether or not the Foreign Affairs Department would have issued the declaration of Mexican Citizenship to my deseased mother, Mrs. Dorothy Gould de Burns, in accordance with Part II of Article 2 of the Law of Citizenship and Naturalization with its text in force from January 23, 1940 through December 31, 1949, as it did on January 2, 1945, by means of Mexican Citizenship Certificate No. 6 issued to Mrs. Burns as she requested, without her having made the renunciations and stated the protests referred to in Articles 17 and 18 of that Law, in force at that time.

I will appreciate your kind attention to this writ.

Mexico City, Federal District, January 12, 1972.

(Signed)

Rolande de Graffenried de Riveroll

E 204

Excerpts from Exhibits to the Government's Statement

(Translation)

MINISTRY OF
FOREIGN RELATIONS

GENERAL BUREAU OF LEGAL MATTERS
CITIZENSHIP AND NATURALIZATION DEPT.

VII/521.5 (66369)

Re: INFORMATION FURNISHED

Tlaltelolco, D. F., February 18, 1972

MRS. ROLANDE DE GRAFFENRIED DE RIVEROLL
Paseo de la Reforma No. 35, 10th Floor
Mexico City, Federal District

I refer to your writ of this past January 12, in which you consult us on the significance of the renunciation made by your mother to her original citizenship at the time of the application made by her to obtain her certificate of Mexican citizenship by naturalization.

In this regard, from the records which we have seen, we have verified that Mrs. DOROTHY GOULD DE BURNS filed a writ dated December 21, 1944, applying for her Mexican citizenship certificate by virtue of her marriage to Mr. ARCHIBALD BURNS, a Mexican citizen, based on Section II of Article 2 of the Law of Citizenship and Naturalization.

Upon her satisfying the requirements set by the law mentioned in the preceding paragraph, on January 2, 1945, she was issued Certificate of Mexican Citizenship by Naturalization No. 6, which is still in effect, since there is no anotation of nullity or cancellation thereof.

With regard to the effects of the referred to renunciation, it should be pointed out that among the problems which arise in connection with the naturalization of an alien are those caused by the States which do not admit the loss of nationality of their nationals, for which reason as a general indispensable requirement in the case of procedures for acquiring Mexican citizenship by virtue of events subsequent to birth, an absolute renunciation of his original citizenship is required of the applicant, in order to achieve a single nationality, insofar as possible.

"pp"

The foregoing explains that your mother,upon initiating the procedure at this Ministry, expressly renounced her American citizenship and, at the same time made the oath of allegiance, obedience and submission to the laws of Mexico by virtue of which this Ministry issued the citizenship certificate already referred to.

Respectfully,

EFFECTIVE SUFFRAGE. NO RE-ELECTION
BY O[illegible]ER OF THE SECRETARY
THE HEAD OF THE DEPARTMENT

LEOPOLDO OLVERA

E 220

E 206

Excerpts from Exhibits to the Government's Statement

CERTIFICATE OF THE LOSS OF THE NATIONALITY OF THE UNITED STATES

(This form has been prescribed by the Secretary of State pursuant to Section 501 of the Act of October 14, 1940, 54 Stat. 1171.)

MAR 24 1947
CERTIFICATE APPROVED
BOARD OF REVIEW
PASSPORT DIVISION
By _____
Chairman

EMBASSY of the United States of America at Mexico, D.F., Mexico } ss:

I, William L. Brewster, hereby certify that, to the best of my knowledge and belief, Leona Adeline Hoover Rosales was born at Murphysboro (Town or city), Jackson County (Province or county), Illinois (State or country), on February 17, 1911 (Date);

That she resides at Doctor Navarro 206-A (Street), Mexico, D.F. (City), Mexico (State);

That she last resided in the United States at _____ (Street), St. Louis (City), Missouri (State);

That she left the United States on in 1935 (Precise date should be given);

That she acquired the nationality of the United States by virtue of birth in the United States and subject to the jurisdiction thereof; (If a national by birth in the United States, so state; if naturalized, give the name and place of the court in the United States before which naturalization was granted and the date of such naturalization)

That she has expatriated herself under the provisions of Section 401 (f) of Chapter IV of the Nationality Act of 1940 by making a formal oath of renunciation of the nationality of the United States; (The action causing expatriation should be set forth succinctly)

That the evidence of such action consists of the following: attached Oath of Renunciation of the Nationality of the United States; (Here list the sources of information and such documentary evidence as may be available concerning the action causing expatriation of the individual concerned)

In testimony whereof, I have hereunto subscribed my name and affixed my office seal this 27th day of April (Month), 1946.

[SEAL]
Service No. 4544
Tariff No. 38
No fee prescribed

William L. Brewster (Signature) Vice Consul of the United States of America (Title of officer)

(OVER)

16—41188-1

"QQ"

E 207

Excerpts from Exhibits to the Government's Statement

UNITED STATES

(This form has been prescribed by the Secretary of State pursuant to Section 401(f) of the Act of October 14, 1940, 54 Stat. 1169)

UNITED MEXICAN STATES,)
MEXICO, FEDERAL DISTRICT,) SS:
EMBASSY OF THE UNITED)
STATES OF AMERICA.)

I, Leona Adeline Hoover Rosales, a national of the United States, solemnly swear that I was born at

Murphysboro (Town or City), Jackson County (Province or county),

Illinois (State or country), on February 17, 1911;

That I reside at Doctor Navarro 206-A, Mexico, D.F. (Street),

Mexico, D.F. (City), Mexico (State);

That I formerly resided in the United States at

(Street), St. Louis (City), Missouri (State).

I am a national of the United States by virtue of

birth in the United States and subject to the jurisdiction thereof;

That I desire to make a formal renunciation of my American nationality, as provided by Section 401(f) of the Nationality Act of 1940, and pursuant thereto I hereby absolutely and entirely renounce my nationality in the United States and all rights and privileges thereunto pertaining and abjure all allegiance and fidelity to the United States of America.

Leona A. H. Rosales
(Signature)

Subscribed and sworn to before me this 27th day of April, 1946 in the Consular Section of the American Embassy at México, D.F., México.

William L. Brewster
Vice Consul of the United States of America

Service No. 4545
Tariff No. 28
No fee prescribed.

E 208

Excerpts from Exhibits to the Government's Statement

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

CERTIFICATE OF THE LOSS OF THE NATIONALITY OF THE UNITED STATES

FILE
Certified U.S.
Copy Cert. No.
JUN 27 1960

DEPARTMENT OF STATE
JUN 27 1960
(Date)
CERTIFICATE APPROVED
Frances G. Knight
Director, Passport Office
By

Pursuant to the authority [illegible] prescribed by the Secretary of State pursuant to Section 501 of the Act of October 14, 1940, 54 Stat. 1171 and Section 358 of the Act of June 27, 1952, 66 Stat. 272).

Consulate EMBASSY of the United States of America at Mexico, D.F., Mexico, as:

I, Nona L. Gardiner, hereby certify that to the best of my knowledge and belief, Geraldine McDowell CRUZ was born at Henrietta (Town or city), (Province or county), North Carolina (State or country), on November 3, 1903 (Date);

That she resides at Rio de la Plata 24-8, Mexico, D.F., Mexico (Street, City, State);

That she last resided in the United States at 1503 DeSoto Place (Street) Greensborough (City) North Carolina (State);

That she left the United States on December 1959 (Precise date should be given);

That she acquired the nationality of the United States by virtue of birth therein (If a national by birth in the United States, so state; if naturalized, give the name and place of the court in the United States before which naturalization was granted and the date of such naturalization)

That she has expatriated herself under the provisions of Section 349(a)(6) ~~of Chapter IV of the Nationality Act of 1940~~ Chapter 3 of Title III of the Immigration and Nationality Act of 1952[1] by making a formal renunciation of nationality before a consular officer of the United States in Mexico, D.F. on February 10, 1960. (The action causing expatriation should be set forth succinctly)

That the evidence of such action consists of the following: Oath of renunciation of nationality of the United States, attached. (Here list the sources of information and such documentary evidence as may be available concerning the action causing expatriation of the individual concerned)

In testimony whereof, I have hereunto subscribed my name and affixed my office seal this 11th day of February (Month), 1960.

[SEAL]

Nona L. Gardiner
(Signature)
American Consul
(Title of officer)

(OVER)

[1] Strike out whichever is inapplicable.

"RR"

E 209

Excerpts from Exhibits to the Government's Statement

OATH OF RENUNCIATION OF THE NATIONALITY
OF THE UNITED STATES

(This form has been prescribed by the Sec
(This form has been prescribed by the Secretary of State pursuant to section 349(a)(6) of the Immigration and Nationality Act, 66 Stat. 268.)

Embassy of the United States of America at
Mexico, D.F., ss:

I, Geraldine McDowell CRUZ, a national of the United States, solemnly swear that I was born at Henrietta, North Carolina on November 3, 1903;

That I reside at Rio de la Plata 24-8, Mexico, D.F.,;

That I formerly resided in the United States at 1503 DeSoto Place, Greensborough, N.C.

That I am a national of the United States by virtue of Birth therein

That I desire to make a formal renunciation of my American nationality, as provided by section 349(a)(6) of the Immigration and Nationality Act and pursuant thereto I hereby absolutely and entirely renounce my nationality in the United States and all rights and privileges thereunto pertaining and abjure all allegiance and fidelity to the United States of America.

Geraldine Cruz
(signature)

Subscribed and sworn to before me this 10th day of February, 1960, in the Consular Section of the American Embassy at Mexico, D.F., Mexico.

Nona L. Gardiner
Nona L. Gardiner
Consul of the United States of America

Service No.
Tariff No.
No fee prescribed

MEX-115
3/8/57

E 210

Excerpts from Exhibits to the Government's Statement

DISTRIBUTION PPT 2-250

AIRGRAM

PPT 9-10

Original to be Filed in PPT — Decentralized Files

FILE DESIGNATION

UNCLASSIFIED

HANDLING INDICATOR

CA-2855

NO.

TO : ALL AMERICAN DIPLOMATIC AND CONSULAR POSTS

Mar 16 12 59 PM '69

FROM : Department of State DATE:

SUBJECT : CITIZENSHIP AND PASSPORTS - Attorney General's Statement of Interpretation of the Effect of Afroyim v. Rusk

REF : CA-9211, June 1, 1967; 8 FAM 225.13 and 225.14, Procedures

SUGGESTED DISTRIBUTION

PPT 250

INS - 1000

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Date:

Initials:

A. BACKGROUND

On January 18, 1969, the Attorney General issued a Statement of Interpretation of the Supreme Court decision in the case of Afroyim v. Rusk. In his Statement, the Attorney General suggested, "In order to avoid conflicts in interpretation between the Department of State and the Immigration and Naturalization Service, these agencies should undertake to consult with each other; if any substantial difference should arise as to any particular type of situation, it should be referred to the Attorney General for resolution."

The Department and the Immigration and Naturalization Service have agreed on certain general principles to be applied in the light of Afroyim and the Attorney General's Statement of Interpretation. Although these principles do not cover all statutory expatriative acts under all circumstances, it is believed they will cover most cases that have arisen or may arise.

B. SUBSTANCE OF STATEMENT OF INTERPRETATION

The Attorney General noted that Section 401(e) of

UNCLASSIFIED

For Department of State Only

Drafted by: PPT:FGKnight | Telephone: 5/13/69 | Office Symbol: 0266 | Approved by: SCA - Barbara M. Watson

Clearances: PPT:FGKnight; L/SCA:KEMalmborg; INS:CGordon; INS:ERudnick

the Nationality Act and Section 349(a)(5) of the Immigration and Nationality Act were rendered unconstitutional by Afroyim v. Rusk. His Statement of Interpretation is to serve as a guide to the Department and the Immigration and Naturalization Service in performing their functions as they involve other questions of loss of citizenship.

He noted that the rule laid down by Afroyim is that a United States citizen has a constitutional right to remain a citizen "unless he voluntarily relinquishes that citizenship." Afroyim did not, however, address itself to what declarations or other conduct could be regarded as "voluntary relinquishment of citizenship." Therefore, it was necessary to look to earlier decisions of the Court. Particular notice was taken of the dissenting opinion of the Chief Justice in Perez v. Brownell, and to the concurring opinion of Justice Black in Nishikawa v. Dulles. The gist of the language quoted from those opinions led the Attorney General to the belief that under any reading of Afroyim an act which does not reasonably manifest an individual's transfer or abandonment of allegiance to the United States cannot be made a basis for expatriation.

Voluntary relinquishment is not confined to a written renunciation as provided by statute. It can also be manifested by other actions declared expatriative by Congress if such actions are in derogation of allegiance. Therefore, loss of United States nationality can result if a person commits an act made expatriating by statute if he voluntarily relinquishes that nationality by conduct manifesting an intention to transfer or abandon his United States allegiance. However, in these cases, Afroyim leaves it open to the individual to raise the issue of intent. Once the issue of intent is raised, the burden of proof is on the party asserting that expatriation has occurred.

In each case, the administrative authorities must make a judgment, based on all the evidence, whether the individual comes within the terms of an expatriation provision and has voluntarily relinquished his United States citizenship.

C. DEVELOPMENTS SINCE ISSUANCE OF ATTORNEY GENERAL'S STATEMENT OF INTERPRETATION

In February 1969 a three-judge Federal District Court in the District of Columbia held, in Bellei v. Rusk, that Section 301(b) is unconstitutional on the ground that it deprives an individual of his United States citizenship without due process of law contrary to the Fifth Amendment. This decision will be appealed by the Government directly to the Supreme Court.

In March 1969 a Federal District Court in California in Baker v. Rusk held that a native born United States citizen was not expatriated under Section 2 of the Act of March 2, 1907 by taking an oath of allegiance in 1926 to King George V in connection with his admission to the practice of law in Canada. Referring to Afroyim and the Attorney General's Statement of Interpretation, the Court held that the Government "has not met the burden of establishing its claim that the plaintiff has abandoned his allegiance to the United States." It seems clear that on all the facts of the case, as set forth in the Court's opinion, the Court concluded that Baker's oath of allegiance was not a meaningful oath. It has not yet been decided whether the Government will seek review of this decision.

D. PROCESSING OF CASES

1. In view of the unsettled state of the law regarding expatriation in the wake of the Afroyim decision and inasmuch as the Departments of Justice and State must apply similar interpretations, no authority is being delegated to the posts to make final determinations at this time.

2. Every case in which a section of law providing for expatriation applies, other than sections of law declared unconstitutional by the Supreme Court and on which the Department has previously issued instructions, shall be developed and submitted to the Department in accordance with the procedures outlined below and in Part E.

3. The Department of State and the Immigration and Naturalization Service have agreed on the following:

(a) Section 349(a)(6) and (7) of the Immigration and Nationality Act are not affected by the Afroyim decision or the Attorney General's Statement of Interpretation.

(b) The voluntary performance of the following acts is considered highly persuasive evidence of an intention to relinquish citizenship and will normally result in expatriation:

(1) Naturalization in a foreign state

(2) A meaningful oath of allegiance to a foreign state

(3) Service in the Armed Forces of a foreign state engaged in hostilities against the United States

(4) Service in an important political post in a foreign government

(c) The performance of acts coming under statutory expatriative provisions other than those acts listed in paragraph 3(b) above where there is not persuasive evidence of an intent to transfer or abandon allegiance will not result in expatriation.

(d) Cases involving (1) the voluntary performance of acts listed in paragraph 3(b) above coupled with persuasive evidence of an intent not to transfer or abandon allegiance, or (2) the voluntary performance of acts coming under statutory expatriative provisions other than those acts listed in paragraph 3(a) above coupled with persuasive evidence of an affirmative intent to transfer or abandon allegiance will be decided by the Department and the Immigration and Naturalization Service on a case by case basis. The Department and the Service will consult to seek to apply uniform interpretations.

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(e) Because of practical and policy considerations and until there is further judicial clarification, persons who have acquired citizenship by birth abroad under Section 1993 of the Revised Statutes or subsequent Acts who performed acts described generally as expatriative by statute--other than that described specifically by Section 301(b)--will be treated in the same manner as persons who acquired citizenship under the Fourteenth Amendment.

4. In all cases the person who has performed an act described as expatriative by statute should be given, to the extent possible, an opportunity to state fully all of the facts and circumstances, and the motives and purposes surrounding the expatriative act he performed with emphasis on ascertaining his intent in performing such act. When the person is dead or unavailable or fails to respond to a request for information concerning the act he performed, every effort should be made to develop evidence on the circumstances from any available source.

5. The Attorney General's Statement of Interpretation, by its specific terms, has no application to a revocation of naturalization unlawfully procured. Cases under Section 340 of the Immigration and Nationality Act will be handled in accordance with existing procedures.

6. Assertion of claims to United States nationality under the Schneider decision and the Afroyim (voting cases) decision should continue to be handled by the posts in accordance with the instructions in 8 FAM 225.13 and 225.14, Procedures.

E. PROCEDURAL INSTRUCTIONS FOR POST ACTION IN DEVELOPING CASES FOR SUBMISSION TO THE DEPARTMENT

1. CASES PENDING IN THE DEPARTMENT

Cases pending in the Department will be the subject of individual operations memoranda to the posts concerned. The communications will transmit preliminary or final decisions or further instructions in handling the cases.

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2. CASES FROM THE POSTS

(a) Cases pending at the posts and new or reactivated cases at the posts should be fully developed, keeping in mind the information points set forth in part D above. A form FS-176, Passport/Registration Application, and the Questionnaire should be completed in every case. The FS-176 form will be used to initiate reconsideration of previous determinations of loss of nationality as well as cases in which citizenship is being considered for the first time.

(b) As one of the initial processing steps in each of these cases, the consular officer shall secure an affidavit in the applicant's own words, stating all of the facts, circumstances, motives, purposes and intent which contributed or led to the performance of the expatriative act to assist in determining whether or not a transfer or abandonment of allegiance has occurred.

3. PROCEDURES FOR SUBMITTING CASES TO DEPARTMENT

Cases should be submitted to the Department with the words "AFROYIM ATTY GEN" written in large red letters at the top of the form FS-176 or, if appropriate, under cover of an operations memorandum, marked prominently "AFROYIM ATTY GEN."

All original evidence and correspondence from an applicant or a foreign government as well as the signed post file copies of correspondence to an applicant or a foreign government must be submitted in support of the form FS-176 of each individual applicant.

In each case, the responsible consular officer should state, for the record, his opinion of the veracity and credibility of the applicant and his statement.

4. RECONSIDERATION OF PREVIOUS ADVERSE DETERMINATIONS

Initiation of reconsideration of previous determinations of loss of nationality may be made by the person against whom the previous determination was made or any person claiming

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United States citizenship through him by filing the FS-176 form as noted above. It is not considered feasible to give individual notice to each person who is recorded at each post as the subject of a prior determination of loss of nationality. In view of the enormous number of cases that are involved, the only practical means of informing the potential citizenship claimants is through extensive public notice.

5. PUBLICITY
Each post is requested to give the most extensive publicity to this instruction appropriate for its consular district. Publicity should be given by newspapers or other mass media unless such publication is not possible or politically feasible for a particular country or consular district. The substance of the public statement in whatever form it is given should be as follows:

"A recent Statement of Interpretation of the Attorney General of the United States may result in the reversal of many previous determinations of loss of United States citizenship. Any person who was the subject of such a determination or any person who may have a claim to United States citizenship through such person should communicate with this office."

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Excerpts from Exhibits to the Government's Statement

DRAFTING INFORMATION
ORIGIN/ACTION
PPT 2-300

81 DEPARTMENT OF STATE

AIRGRAM

PPT 10-7
XR PPT 9-2
FILE DESIGNATION

Original to be Filed in PPT Decentralized Files.

RM/R	REP	AF	ARA
1		5	10
EUR	FE	NEA	CU
5		7	
INR	E	P	IO
L	FBO	AID	EA
3			4
	SCA	VO	OCT
	1	1	1
		RSI/N	
		MIC-1	
AGR	COM	FRB	INT
LAB	TAR	TR	XMB
AIR	ARMY	NAVY	OSD
USIA	NSA	CIA	
10			
		INS	
		1031	

SUGGESTED DISTRIBUTION

PPT - 300
INS - 1000

POST ROUTING			
TO:	Action	Info.	Initials
AMB/PO			
DCM			
POL			
ECON			
CONS			
PAO			
AID			
ELDO			
EAP			
	COPYFLO-PBR		
FILE			

Action Taken: (2)

Date:

Initials:

PRIORITY — HANDLING INDICATOR

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CA-6119 — NO.

TO : ALL AMERICAN DIPLOMATIC AND CONSULAR POSTS

Nov 13 10 28 AM '69

FROM : Department of State DATE:

SUBJECT : CITIZENSHIP AND PASSPORTS - Delegation of Authority to Document United States Citizens in Certain Cases (PPT 10-7)

REF : 8 FAM 244.3, Procedures; CA-2855, May 16, 1969

A. PURPOSE

To explain new procedures under which consular offices are authorized to document certain United States citizens without the prior review or approval of the Department.

B. BACKGROUND

The referenced circular airgram required that all expatriation cases be developed at the post and submitted to the Department for decision. Experience in the processing of these cases has shown that consular officers are now in a position to make final decisions that expatriation has not resulted in certain types of cases. Procedural requirements for establishing citizenship and identity are not changed (8 FAM 243, Procedures). The procedures for referring citizenship cases to the Department also remain the same (8 FAM 244.3, Procedures).

C. GENERAL DELEGATION OF AUTHORITY

Effective immediately all consular offices are, without prior approval from the Department, authorized to register as a citizen or issue a passport to any applicant who has performed an act made expatriating by statute under the conditions or circumstances described below.

This authorization is limited to cases in which there is nothing to indicate that the applicant has had his naturalization judicially revoked or been the subject of a prior determination of expatriation made by the Department or the Immigration and Naturalization Service

FORM 10-64 DS-323

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Drafted by:	Drafting Date:	Phone No.:	Contents and Classification Approved by:
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Clearances: PPT:Robert D. Johnson; PPT:G. Cacciatore; INS:Edward Rudnick; INS:S. Isenstein

except where such holding of expatriation has been rendered void as a result of a decision. Section 401(e), 401(g), 401(j) and 404 of the Nationality Act and Sections 349(a)(5), 349(a)(8), 349(a)(10) and 352 of the Immigration and Nationality Act have been voided on constitutional grounds by the Supreme Court.

1. PERFORMANCE OF ACTS COMING WITHIN PARAGRAPH D 3(c) of CA-2855 WHERE PERSUASIVE EVIDENCE OF INTENT TO TRANSFER OR ABANDON ALLEGIANCE IS LACKING

After full development of a case under the appropriate provisions of 8 FAM and CA-2855 of May 16, 1969, including the taking of an affidavit of intent concerning transfer or abandonment of allegiance as required in Paragraph D 4 of CA-2855, a consular officer shall evaluate all relevant and material evidence from any credible source, including the applicant's conduct and statements. The consular officer may then decide for the Department that the applicant has not expatriated himself under the following laws and circumstances if it is the consular officer's judgment that persuasive evidence of intent to transfer allegiance to a foreign state or abandon allegiance to the United States has not been shown. When such a finding is made, the applicant may be issued a passport or other document of citizenship or registered as a citizen.

(a) Section 3 of the Act of March 2, 1907 (Marriage to Alien).

Possibilities of resuming citizenship under repatriation statutes need not be considered if the consular officer decides that there was no expatriation by reason of the marriage to an alien.

(b) Section 3 of the Act of September 22, 1922 (Marriage to Ineligible Alien).

Those cases in which no affirmative intent to relinquish citizenship was evidenced by the marriage or the circumstances surrounding the marriage. Possibilities of resuming citizenship under repatriation statutes need not be considered if the consular officer decides that there was no expatriation by reason of the marriage to an alien ineligible to citizenship.

Marriage to an alien, under (a) or (b), accompanied by a voluntary renunciation of United States citizenship or declaration of allegiance to authorities of the husband's government would be persuasive evidence of an affirmative intent to relinquish citizenship. Cases in which there is reliable evidence of these or similar accompanying circumstances should be submitted for the Department's decision.

(c) Section 349(a)(2) of the INA and Section 401(b) of the NA.

Those cases in which an oath of allegiance was taken to a foreign state as an inseparable incident of service in the armed forces of a foreign state if, at the time of entry into those armed forces the foreign state was not

engaged in hostilities against the United States and there is no persuasive evidence of an intent to transfer or abandon allegiance by reason of the military service. This principle is to be applied also to those cases in which an oath of allegiance was taken to a foreign state as an inseparable part of a foreign naturalization which was not of itself expatriating because it was obtained by a minor upon his own application.

If a person takes an oath of allegiance as an inseparable incident of a non-expatriating entry into the armed forces of a foreign state not at the time engaged in hostilities against the United States, the oath would be highly persuasive evidence of his intent to transfer or abandon allegiance to the United States if it were taken after the foreign state became engaged in hostilities against the United States and after the citizenship claimant had the option to terminate his military service and failed to do so.

Any case in which there is reliable evidence that the foreign military service could have been terminated voluntarily by the person claiming citizenship, between the inception of the hostilities and the time the oath was taken, should be sent to the Department for review and decision even if the person has alleged that he did not intend to transfer or abandon allegiance to the United States by the oath or presented evidence purporting to show that he had no such intent.

(d) Section 349(a)(3) of the INA and Section 401(c) of the NA.

Those cases in which the entry into the armed forces of a foreign state was at a time when that foreign state was not engaged in hostilities against the United States and there is no persuasive evidence of intent to transfer or abandon allegiance by reason of such entry into military service.

When doubt exists on the intent issue because of an applicant's equivocal statements or for other reasons, the Department's decision should be sought. The prior processing of some of these cases has shown that they involve Selective Service delinquents who have already written to a local draft board in the United States expressing intent to transfer or abandon allegiance by the foreign military service.

If a consular officer finds that the circumstances of a case give rise to the possibility of such earlier statements regarding transfer or abandonment of allegiance or relinquishment of United States citizenship, he should submit the case for review and decision by the Department.

If a foreign state becomes engaged in hostilities against the United States while the citizen is a member of and serving in the armed forces of such state, and the citizen has the option of terminating his military service but fails to exercise it within a reasonable time after it becomes available to him, his continued voluntary performance of military service constitutes highly persuasive evidence of his intention to

relinquish citizenship. Any case presenting these circumstances should be referred to the Department for review and decision even if the citizenship claimant has injected an issue or presented evidence that he did not intend to transfer or abandon allegiance to the United States by continuing the foreign military service at his own will.

(e) Section 349(a)(4) of the INA and Section 401(d) of the NA

Those cases in which the consular officer is in possession of reliable information that the office, post or employment under consideration is not an important political post in the foreign government. Care should be taken when the consular officer is considering some positions held by an applicant in another foreign state on which information is not readily available in the consular district where a decision is being made.

Examples of positions which the Department would ordinarily consider not to be important political posts and therefore posts which would not result in expatriation are: ordinary school teachers, nurses, doctors, laborers, clerical employees, custodial employees, chauffeurs or drivers, mail carriers and lower echelon policemen. Conversely, positions which the Department would ordinarily consider to be important political posts the acceptance of which would be highly persuasive evidence of intent to relinquish citizenship are: the chief of a foreign state or of a significant geographical subdivision; a cabinet member or high level official of an executive department of a foreign state, a mayor or chief executive officer of a city, a member of the national, provincial, or municipal legislature and the military or civilian chief of the armed forces of a foreign state.

Either of these listings of posts could include other examples and those cited as ordinarily considered not to be important political posts could include many other relatively high positions in foreign governments which do not involve policy making functions. Doubtful cases should be submitted for the Department's decision. For example, it is conceivable that a politically innocuous occupation such as a school teacher or policeman could, by virtue of a special relationship of the individual holding such position with the foreign government, be wholly inconsistent with his undiluted allegiance to the United States.

(f) Section 350 of the INA

Those cases in which the voluntarily sought or claimed benefit of the nationality of a foreign state is considered by the consular officer not to have been a substantial benefit.

Obtaining a driver's license, accepting employment which would not be expatriating under paragraph (e) above, or asserting a right to purchase land in a zone where ownership is limited to nationals of a foreign state are examples of benefits ordinarily not considered to be substantial benefits by the Department and, therefore, not expatriative. However, where a claim to the foreign nationality is actually made in acquiring the land, as when the citizen is requesting or applying for title to the land asserts and describes himself as a national of the foreign country,

a claim to foreign nationality is thereby made. If it is established by persuasive evidence that such act was accompanied by affirmative intent to relinquish United States citizenship, the person could thereafter lose citizenship by having a continuous residence for three years in a foreign state of which he was a national by birth after the attainment of age twenty-two years.

The voluntary use of a foreign passport would ordinarily be considered to have been a substantial benefit of the nationality of a foreign state (See 8 FAM 225.11 Interpretations). Also, voting in a foreign election under certain circumstances could be considered a substantial benefit. If it is established by persuasive evidence that such act was accompanied by affirmative intent to relinquish United States citizenship, the person could thereafter lose citizenship by having a continuous residence for three years in a foreign state of which he was a national by birth after the attainment of age twenty-two.

2. PERFORMANCE OF OTHER ACTS MADE EXPATRIATING BY STATUTE

Subject to the development of cases and the evaluation of evidence exactly as stated in Paragraph C 1. of this instruction, consular officers may decide that expatriation has not occurred and may document as a citizen any applicant whose circumstances meet the conditions noted under the following sections of law.

(a) Section 2 of the Act of March 2, 1907

Those cases in which foreign nationality was conferred automatically and without personal application under a treaty or foreign law; unless the foreign nationality was accepted in the manner provided in existing interpretations (8 FAM 223, Interpretations), and the alleged citizen either does not inject the question of intent or, if injecting such question, was unable to prove by a preponderance of persuasive evidence that, in accepting the foreign nationality, he did not intend to transfer or abandon allegiance to U.S.

(b) Section 349(a)(1) of the INA and Section 401(a) of the NA

Those cases in which the naturalization involves a person who derived foreign nationality while under the age of twenty-one as a result of the naturalization of a parent or parents, or as a result of a naturalization obtained in behalf of such a person by a parent, guardian or authorized agent. Failure to comply with the United States residence requirements of the first proviso of one or the other of these sections will not result in loss of nationality unless it is clear that the subject willfully failed to comply with those requirements with the intention of transferring or abandoning allegiance.

D. PROCEDURES FOR PROCESSING CASES

1. The consular officer's opinion and the Department's decision have always been made a part of the official file record in every citizenship case in which the applicant has performed an act made expatriating by statute. When a citizen is issued a passport or registered by a consular officer under this general delegation of authority, the consular officer's written decision is to be made a part of the official record and attached to the application for the

Department's files. The decision may be written on the application in the space now provided for the consular officer's opinion or it may be written on a separately attached memorandum. In either case the facts, the law, the issues involved and the reasoning applied should be clearly indicated as the "CONSULAR OFFICER'S DECISION" and should be signed by him. All original affidavits, statements or other available evidence which have served as a basis for the decision should also be attached to the application as a part of the official file record in the case. Documents which the consular officer has examined but which cannot by their nature be made a part of the Department's records should be described in detail if they served as material evidence in arriving at the decision. Photo copies should be submitted whenever possible.

2. As stated above in Paragraph C, when the circumstances indicate a reasonable likelihood that a record of judicial revocation of naturalization or a record of a prior decision of expatriation (except those voided as a result of Supreme Court decisions) exists in an applicant's name, the consular officer may not make a decision for the Department under this general delegation of authority. These cases should be marked for the Department's decision and submitted in accordance with the procedures for submitting cases stated in CA-2855, Paragraph E 3. The Department will inform the post of its decision as well as the Immigration and Naturalization Service when necessary so that its records can be changed.

3. In those cases in which the consular officer acts under the delegation of authority given in this instruction, he shall forward those cases marking them as "AFROYIM ATTY GEN" as noted in Paragraph E 3 of CA-2855, but clearly showing them to be for the Department's files and not for the Department's decision.

4. Consular officers may submit any case covered by this general delegation of authority for the Department's review and decision if such action is believed appropriate under the circumstances of an individual case or if doubt is entertained regarding the applicability of the delegation of authority to the case.

5. When an advisory opinion is sought regarding the handling of cases under this general delegation of authority, the request should be accompanied by a specific application which suggested a need for the advisory opinion.

REVISION OF 8 FAM

Appropriate revision of 8 FAM will be made at an early date.

IMMIGRATION AND NATURALIZATION SERVICE

The foregoing instructions were drafted after consultation and concurrence by the Immigration and Naturalization Service.

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FUTURE DELEGATION OF AUTHORITY

As more experience is gained in the determination of cases under the Attorney General's Statement of Interpretation the Department will consider the delegation of further authority to the field in handling these cases.

ROGERS

11/24/75

Due and timely service of ONE copies of the within EXHIBIT VOLUME is hereby admitted this 24th day of NOVEMBER 1975

Thomas L. Cobbs

Attorney for APPELLEE